

4 NOVEMBER 1947

I N D E X
of
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
KOISO, Kuniaki (resumed)	32332
Cross (cont'd) by Colonel Fixel	32332
Question by the President of the Tribunal, Sir William Webb	32338
Cross (cont'd) by Colonel Fixel	32338
Question by the President of the Tribunal, Sir William Webb	32349
Cross (cont'd) by Colonel Fixel	32349
<u>MORNING RECESS</u>	32356
Cross (cont'd) by Colonel Fixel	32357
Question by the President of the Tribunal, Sir William Webb	32376
Cross (cont'd) by Colonel Fixel	32376
<u>NOON RECESS</u>	32387
Cross (cont'd) by Colonel Fixel	32388
Questions by the President of the Tribunal, Sir William Webb	32389

4 NOVEMBER 1947

I N D E X
of
WITNESSES
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
KOISO, Kuniaki (cont'd)	
Cross (cont'd) by Colonel Fixel	32389
<u>AFTERNOON RECESS</u>	32412
Cross (cont'd) by Colonel Fixel	32413

4 NOVEMBER 1947

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Eviden</u>
3204		3377	Excerpt from Exhibit No. 3038-G - Letter dated 5 December 1931 from MIYAKE, Koji, Chief of Staff, Kwantung Army to SUGIYAMA, Vice Minister of War re Matters Con- cerning the Delivery of Documents Pertaining to Plans for the Temporary System now being Carried out in the Policy Toward Manchuria and Mongolia		3233
		3378	The Guidance of the Military Government of Manchou- kuo	32354	
612		3378-A	Excerpt therefrom		32354
		3379	Letter dated 29 December 1932 from Chief of Staff of Kwantung Army, KOISO, Kuniaki to Vice-War Minister YANAGAWA, Keisuke - The Outline re the General Policy for Manchoukuo Customs Duty	32376	
1302		3379-A	Excerpt therefrom		32377
		3380	Army Manchurian Secret File for 1934	32381	
624		3380-A	Excerpt therefrom		32382
		3381	The Great Secret Manchurian Diary for the Year 1933	32385	
989		3381-A	Excerpt therefrom		32389

4 NOVEMBER 1947

I N D E X

Of

EXHIBITS

(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
3030-N		3382	Excerpt from Exhibit No. 3201 - Speech by Minister of State KOISO, Kuniaki, at the Meeting of the Budget Committee on 17 February 1940 in the House of Repre- sentatives, 75th Session of the Imperial Diet		32421

Tuesday, 4 November 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE R. B. PAL, Member
from India, not sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

K
a
p
l
e
a
u
&
K
n
a
p
p

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

THE PRESIDENT: All the accused are present except SHIRATORI, who is represented by counsel. The prison surgeon at Sugamo certifies that he is too ill to attend the trial today. The certificate will be recorded and filed.

Colonel Fixel.

- - -

KUNIAKI KOISO, an accused, resumed the stand and testified through Japanese interpreters as follows:

BY COLONEL FIXEL (Continued):

Q You testified yesterday that the Military Administration Section was the one that received the document which you had examined, which was an excerpt from exhibit 3038-G. Is that correct?

A I did not answer that the Military Administration -- Military Administrative Section was the section that received it.

Q Was not the Military Administration Section which you call the Gunji-Ka under your jurisdiction as Chief of the Military Affairs Bureau?

A It was one of the sections under the control of the Military Affairs Bureau.

1 Q And it also appears on the document, does it
2 not, that two copies of the appendix to the document
3 were retained in the custody of the Military Affairs
4 Section, or Military Administration Section as you
5 called it?

6 A On looking at this document, I cannot find the
7 seal of the Chief of the Military Administration Sec-
8 tion, so I don't believe he saw it either, and therefore
9 it is impossible to ascertain how many copies were kept
10 in the custody of the Military Administration Section.

11 Q Do you recall whether you were absent or sick
12 or not on duty at the time when this document apparently
13 came to your Bureau?

14 A I feel sure that both myself, as Chief of the
15 Military Affairs Bureau, and the Chief of the Military
16 Administration Section were on duty in the War Ministry.

17 Q And is it not true that a document of this
18 nature, which involved a policy matter of great impor-
19 tance, would have been brought to your attention by a
20 sub-chief of one of those sections before it went to the
21 Vice-Minister of War?

22 A If the document was of such importance as to
23 be shown to the Vice-Minister of War, it is but natural
24 that it should first be shown to the Chief of the
25 Military Affairs Bureau, but on looking over this document

1 it has come to me that if this -- if the seal of someone
2 who was acting for the Chief of the Military Administra-
3 tion Section should appear on this document, it should
4 also bear the words "by" or "proxy."

5 Q Was SUZUKI whose name appears on the document
6 one of your subordinates?

7 A He was a member of the Military Administration
8 Section.

9 Q And therefore he was one of your subordinates,
10 was he not?

11 A Yes. I recall that with drafts of this nature
12 when there was some doubt as to whether it was a docu-
13 ment worth sending on in order to be adopted as a final
14 policy, the lower members of our section would often
15 send it half in a private capacity to the chief of their
16 section and after -- and if after studying that docu-
17 ment the chief of the section decided that it was a
18 measure worth adopting, then the document would be sent
19 on through official channels in its official form.
20

21 THE MONITOR: Correction: "Semi-officially"
22 instead of "half by private capacity" or words to that
23 effect.

24 Q And it does appear on the document, does it
25 not, that it was sent to SUGIYAMA, Vice-Minister of War?

MR. BROOKS: May the witness be allowed to

1 it has come to me that if this -- if the seal of someone
2 who was acting for the Chief of the Military Administra-
3 tion Section should appear on this document, it should
4 also bear the words "by" or "proxy."

5 Q Was SUZUKI whose name appears on the document
6 one of your subordinates?

7 A He was a member of the Military Administration
8 Section.

9 Q And therefore he was one of your subordinates,
10 was he not?

11 A Yes. I recall that with drafts of this nature
12 when there was some doubt as to whether it was a docu-
13 ment worth sending on in order to be adopted as a final
14 policy, the lower members of our section would often
15 send it half in a private capacity to the chief of their
16 section and after -- and if after studying that docu-
17 ment the chief of the section decided that it was a
18 measure worth adopting, then the document would be sent
19 on through official channels in its official form.
20

21 THE MONITOR: Correction: "Semi-officially"
22 instead of "half by private capacity" or words to that
23 effect.

24 Q And it does appear on the document, does it
25 not, that it was sent to SUGIYAMA, Vice-Minister of War?

MR. BROOKS: May the witness be allowed to

1 complete his answer? The prosecutor interrupted his
2 answer.

3 THE PRESIDENT: I did not realize that you
4 interrupted an answer, but you may have done so, Colonel.
5 It is not always easy to appreciate that.

6 COLONEL FIXEL: I do not want to cut the wit-
7 ness off if the Tribunal feels he should continue.

8 THE WITNESS: May I continue my explanation?

9 A (Continuing) This document I have seen here for
10 the first time. On looking through its contents, I can
11 see no indication that it was ever adopted by the War
12 Ministry later.

13 Q Regardless of whether it was adopted or not,
14 would you say that MIYAKE, the Chief of Staff of the
15 Kwantung Army, would send to the War Ministry an untrue
16 document -- a document the contents of which were untrue?
17

18 A No, certainly not.

19 Q Then I ask you whether you will admit the truth
20 of the contents of the document, regardless of whether
21 it was adopted by the War Ministry or not?

22 A Since I did not see the document -- since I
23 have no remembrance of having seen the document, I can-
24 not reply to that question.

25 Q Well, will you examine the document now, and
then will you reply to the question?

1 MR. BROOKS: If your Honors please, I think it
2 is high time that the counsel for the defense should
3 have a copy of what this witness is being cross-examined
4 on, and especially when he is asked to admit the truth
5 of a document. I do not even know what they are talking
6 about; I have never seen it.

7 THE PRESIDENT: That point has arisen and has
8 been decided more than once, Captain Brooks, and I can
9 assure you that there is not yet a majority for its
10 reversal.

11 MR. BROOKS: I object to the question, then, on
12 the ground that it is immaterial and irrelevant, since
13 it is on a document that is not in evidence.

14 THE PRESIDENT: The objection is overruled.

15 A I have looked through the document.

16 COLONEL FIXEL: I did not hear the answer.

17 THE WITNESS: I have finished looking through
18 the document.

19 Q What will the answer be? Do you admit the
20 truth of the contents of the document?

21 A The Kwantung Army may have conducted studies
22 on this matter, but I never knew of it until I saw it
23 here.
24
25

1 Q Will you answer the question? Will you say
2 whether in your opinion this document, which was for-
3 ward~~ed~~ed by MIYAKE, Ch ef of Staff of the Kwantung Army,
4 to the War Ministry and which was examined in your
5 bureau on the way to the War Ministry, was a document
6 of which you can say that the contents are true?

7 MR. BROOKS: I object to the question as be-
8 ing repetitive. Furthermore, it calls for a conclu-
9 sion of the witness and an opinion of the witness.

10 THE PRESIDENT: We will take his answer, and
11 then after we see the document we will see whether
12 any further objection is open, if the document is
13 tendered, of course.

14 A I have no recollection of ever having made any
15 reply to this document -- of ever having made any study
16 of this document during my period in office as Chief
17 of the Military Affairs Bureau. However, on looking
18 at this document I see on the margin near each numbered
19 paragraph, written in a red pencil, the words "Good"
20 or "True" and other criticisms, and therefore it is
21 easy to infer that after reaching the War Ministry this
22 document was looked into by someone and criticized --
23 and commented on by him.

24 THE MONITOR: Correction: "Commented by some-
25 one" instead of "him."

1 Q Will you answer the question?

2 THE PRESIDENT: It is a simple question,
3 Witness. Do you know whether the contents of that
4 document are correct or not?

5 A I do believe that this document was accurate-
6 ly drawn up by the Kwantung Army and sent on.

7 COLONEL FIXEL: I offer IPS document 3204,
8 which is an excerpt of exhibit 3038-G, in evidence.

9 MR. BROOKS: If your Honor please, just
10 having received the document, I would like to have a
11 chance to look at it before I make a reply.

12 THE PRESIDENT: It is a short document.

13 MR. BROOKS: In order to save time, if your
14 Honor please, I will make my objection later when I
15 have had a chance to compare this with the original.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document No.
18 3204, being an excerpt from exhibit No. 3038-G. will
19 receive exhibit No. 3377.
20

21 (Whereupon, the document above
22 referred to was marked prosecution ex-
23 hibit 3377 and received in evidence.)

24 COLONEL FIXEL: Before reading the part
25 of the document I propose to read, starting on page 2
with the words "Explanation of the Temporary Exped-

1 ient System," I want to ask the witness whether the
2 individual SUZUKI whose name appears on the face of
3 the document is the same party as the accused SU-
4 ZUKI in this case.

5 THE WITNESS: It is the same person.

6 COLONEL FIXEL: I propose to read, with per-
7 mission of the Tribunal, the portion of the document
8 commencing on page 2, headed "Explanation of Tem-
9 porary Expedient System."

10 However, the document shows it originated with
11 the Chief of Staff of the Kwantung Army MIYAKE, Mitsu-
12 haru, was received in the War Ministry on December 9,
13 1931, in the Military Affairs Section, and was sealed
14 there, transmitted to the War Ministry on the same date,
15 and directed to SUGIYAMA, General, Vice-Minister of War.

16 (Reading) "Explanation of the Temporary
17 Expedient System."
18

19 "I. In the present situation, an active guid-
20 ance by a powerful, clear-cut and straightforward
21 autocratic organ is necessary.

22 "II. Outwardly if a huge but weak organ is
23 specially established, it will aggravate the stimula-
24 tion both at home and abroad. It will not only be un-
25 wise but there is a fear that it will be destroyed by
 too many opinions by too many people. Furthermore,

1 the secret will leak out; and it will be unsuitable
2 from the standpoint of establishing rights and inter-
3 ests or from the standpoint of the movement to estab-
4 lish a regime through inner guidance.

5 "III. The various Chinese regimes at the
6 present are dependent solely upon the Japanese mili-
7 tary and are already in the midst of various construc-
8 tions to a considerable degree. Therefore, if a new
9 organ is established separately, there is a fear that
10 orders from two sources will overlap and the construc-
11 tion project will be destroyed in the midst of its
12 activities. Particularly, the feeling of confidence
13 is weak toward the various organs which have deep ten-
14 dencies to lean toward political parties and factions,
15 or which become corrupt easily in movements to grab
16 rights and interests, or which wantonly make specula-
17 tions and surmises in international relations. These
18 organs will be unsuitable to the construction project
19 which must be progressed while displaying power to
20 the Chinese.

21
22 "IV. The council system of the various types
23 of organs actually will not be able to bring about the
24 solution to the pending Manchuria-Mongolia affairs.

25 "V. Because of the foregoing, it will be most
logical for the Army to newly establish a governing

1 section in the present organ and for the various or-
2 gans in Manchuria to give it lateral support.

3 "Furthermore, if a new government is estab-
4 lished, its guidance will be carried out by an ad-
5 visory body. And it is believed that it will be advan-
6 tageous for the Army Headquarters and others to merge
7 with the Government General described in a separate
8 book."

9 BY COLONEL FIXEL:

10 Q Was General TADA, Witness, an adviser to the
11 Department of the Military Government of Manchukuo
12 while you were Chief of Staff of the Kwantung Army?

13 A Yes, as you say.

14 Q And was he Chief of the Counseling Section
15 of the Kwantung Army?

16 A No.

17 Q What were his duties while he was on assign-
18 ment to the Kwantung Army?

19 A The word "attached to the Kwantung Army"
20 means that he was on duty with the Kwantung Army and
21 it does not necessarily mean that he had any position
22 in the General Headquarters of the Kwantung Army.

23 Q Was he acting directly under the authority
24 the War Minister then or was he in the staff of the
25 Kwantung Army?

1 A His status was that of an officer attached
2 to the staff headquarters of the Kwantung Army, and he
3 was under the direct control of the Commander of the
4 Kwantung Army -- he was under the jurisdiction of the
5 Commander of the Kwantung Army.

G
r
e
e
n
b
e
r
g
&
Y
e
l
d
e
n

1 Q Did you have any connection with the work
2 that he was doing in Manchuria?

3 A No.

4 Q As Chief of Staff of the Kwantung Army didn't
5 you get reports from him?

6 A The procedure involved in submitting his
7 reports was that he submitted them directly to the
8 Commander of the Kwantung Army although I also, as
9 Chief of Staff, was aware of them.

10 Q And did you know that General TADA, Shun,
11 was principally engaged during his period of service
12 in Manchuria in guiding the military government in
13 Manchukuo?

14 A As a counsellor of the Military Government
15 Section he responded to the inquiries of the Minister
16 of Military Government of the Manchukuo regime.

17 Q And he advised in relation to matters involving
18 personnel, finance and munitions, did he not?

19 A The Military Government Section did not occupy
20 itself with such duties. Its main functions were the
21 organization and training of troops.

22 Q Isn't it true that matters involving per-
23 sonnel, finance and munitions were coordinated by
24 General TADA for the Military Government Section?
25

A No, he was not connected with such functions.

1 Q Was General TADA carrying on his functions
2 as counsellor to the Military Government Section alone
3 or did he have subordinates working with him?

4 A General TADA was the chief advisor to the
5 Military Government Section. I have forgotten how
6 many subordinates he had but he had quite a few and
7 he and his group composed the advisory section to
8 the Military Government Section.

9 Q These subordinates were called advisors and
10 instructors, were they not?

11 A They were called advisors.

12 Q And were not these advisors posted at each
13 Manchukuoan detachment, government office and school
14 throughout Manchukuo?

15 A No, that is not so.

16 Q Where were they posted?

17 A All advisors were under General TADA and
18 worked in the Military Government Section of Manchukuo.

19 Q But isn't it true that this section was in
20 reality a great network that performed its functions
21 throughout the country of Manchukuo?

22 A No, that is not so.

23 Q And will you admit or deny that this system
24 of advisors actually placed the Manchukuoan Army under
25 the direct control of the Japanese?

1 A I deny that. I should like to add an
2 explanation to that simple answer.

3 My appointment as Chief of Staff of the
4 Kwantung Army came barely half a year after Manchukuo's
5 establishment as an independent state and the Man-
6 chukuoan National Army was then composed of the
7 remnants of members of the old military cliques.
8 General TADA, a high advisor to the Minister of
9 Military Government, gained the approval of this
10 minister and also the consent of the Kwantung Army
11 Commander to the reduction of this Manchukuoan
12 National Army -- to the limitation of the functions
13 of this Manchukuoan National Army -- to the simple
14 preservation of peace and order. He also proposed
15 that the total number of this Manchukuoan National
16 Army should be around 60,000.

17 THE MONITOR: Instead of "He also proposed,"
18 "It was also discussed that."
19

20 A (Continuing) That is why at the time
21 the Manchukuoan National Army was not in an organized
22 state at all and no schools existed as yet. It was
23 only after I left Manchukuo in 1934 that I heard
24 afterwards that schools had been established. There-
25 fore it was impossible for General TADA and the advisors
under him to engage in any functions other than these

1 which I have described heretofore.

2 Q If General TADA stated that he was engaging
3 in such activities we have been talking about, would
4 you still say that the activities did not take place
5 while you were in the office of Chief of Staff of
6 the Kwantung Army?

7 A The functions which you, Mr. Prosecutor, have
8 described really belonged to the advisors to the
9 general headquarters of the Kwantung Army -- the
10 advisors to the Kwantung Army Commander himself --
11 and therefore whatever Major General TADA may say,
12 he could not and did not engage in such functions.

13 Q But the advisors were from the Japanese Army
14 who were placed with the Manchurian National Army,
15 isn't that true?
16

17 A No advisors were sent to the Manchurian
18 National Army. These so-called advisors were officers
19 of the Kwantung Army and with Major General TADA as
20 their chief they were assigned to the advisory section
21 of the Kwantung Army.

22 THE MONITOR: Strike out "of the Kwantung
23 Army." He merely said "advisory section."

24 Q You knew, did you not, that this system of
25 advisors was extensively used in the conquest of Jehol?

A This advisory section did not play a very

KOISO

CROSS

32,347

1 important part in the re-establishment of law and
2 order in Jehol.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Q Isn't it true that the advisory section was
2 used to control the life pulse of the Manchukuoan
3 Army?

4 A No, that is completely contrary to the facts.

5 Q And did you not know that the advisers and
6 instructors of the Manchukuoan Army became the prac-
7 tical rulers of both the local and the central govern-
8 ment of Manchukuo?

9 A The facts themselves show that such things
10 did not happen.

11 COLONEL FIXEL: May the witness be shown
12 IPS document 612?

13 (Whereupon, a document was handed
14 to the witness.)

15 Q And will you examine that document which ap-
16 pears to be an article or a report made by General
17 TADA to the commanding general of the Kwantung Army,
18 dated August 4, 1934, entitled "The Guidance of the
19 Military Government of Manchukuo"?

20 MR. BROOKS: If your Honors please, I wish
21 to object to any questions along this line of the
22 guidance of the military government of Manchukuo. The
23 last document referred to was, indeed, several months
24 after the war had broken out; and since it is custom-
25 ary training for a certain amount of military govern-

1 ment in any place where there have been hostilities,
2 I do not see that this is relevant and material es-
3 pecially in the case of KOISO.

4 THE PRESIDENT: The objection is overruled.

5 Q Will you state whether or not the contents
6 of the document you are examining are true.

7 MR. BROOKS: I object to that question, your
8 Honor, as calling for a conclusion of the witness.
9 There is no showing that he has any knowledge about
10 it, and it might be a matter for the Court.

11 THE PRESIDENT: Do you know whether or not
12 the contents are correct?

13 THE WITNESS: This document was presented by
14 General TADA after I had already left my post in
15 Manchukuo, and this is the first time I have seen this
16 document.

17 Q Does not the document show that General TADA
18 reports on conditions which existed from the time of
19 the founding of the empire, and --
20

21 THE PRESIDENT: You interrupted the witness
22 clearly, I think, Colonel. He was perusing the book
23 when you spoke and still is.

24 THE WITNESS (Continuing) May I continue?
25 And, as I stated, this report was submitted by Major
General TADA after my departure from Manchukuo. How-

1 ever, I can clearly state that this is a report submit-
2 ted by Major General TADA to the then commander of
3 the Kwantung Army, General HISHIKARI.

4 COLONEL FIXEL: I offer IPS --

5 THE WITNESS (Continuing) May I continue just
6 a few words more? A few moments ago you asked me
7 about questions of personnel and finance. I took
8 your question to mean -- I took your question to
9 apply to matters of personnel and finance as it per-
10 tained to Manchukuo as a whole, and that is why I
11 made the answer I did. But, on looking through this
12 document, I find that since General TADA was on duty
13 with the -- as an adviser to the Military Government
14 Department it is but natural that he was concerned
15 with matters of personnel, intendance, legal affairs
16 and medicine in so far as they related to his section.
17 You have also talked about the actual grasp of Man-
18 chukuo or the practical control thereof. These mat-
19 ters are mentioned in General TADA's report here as
20 plans for the future, but I feel quite sure that these
21 show that he did not have a -- that his view of the
22 state of affairs was mistaken.

24 THE MONITOR: Instead of "practical control,"
25 "control by means of force."

THE PRESIDENT: Well, are you tendering it?

COLONEL FIXEL: I offer IPS document 612.

THE PRESIDENT: Captain Brooks.

MR. BROOKS: I would like to have a copy of it, your Honor. I want to object to the document, however, because, from the statements of the witness and from the document itself, it appears it is on a period after this accused left the post to which it has referred.

THE PRESIDENT: It was quite voluntary and without any suggestion from Colonel Fixel that he spoke as to its contents. He passed judgment on it.

MR. BROOKS: I understood that he said that they were not true. However, if your Honor please, in this case, since the evidence itself does not relate too close to this witness, I think that the prosecution is using this witness in an attempt to bolster its case in the general phase which is a right which the defense has been denied at this time even though its case has not been closed.

THE PRESIDENT: The witness has said enough, though, to make it receivable at this stage according to our practice.

MR. BROOKS: "The Guidance of the Military Government of Manchukuo" as of August, 1934 cannot, surely, be relevant and material to the case of

1 KOISO who was not even holding a post there at that
2 time. Therefore, it gives the prosecution an unfair
3 advantage if they are allowed to bolster their case on
4 the general phase continuously when the defense at the
5 same time is denied that right.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

W
h
a
l
e
n
&
M
o
r
s
e

1 THE PRESIDENT: Two of my colleagues point out
2 that the document deals with past administration of the
3 Japanese in Manchuria. One says it goes back to the
4 genesis of the state. And then we have the witness'
5 observations quite voluntarily made in the witness box.
6 It is a matter of weight, really, as far as the evidence
7 goes; and as far as you are concerned, for comment
8 later.

9 MR. BROOKS: My observation goes deeper than
10 that, your Honor, if you will let me continue uninter-
11 rupted.

12 THE PRESIDENT: Unless we see the document
13 we can't tell whether the witness is stating the truth
14 or not in the box, and he certainly did adopt some of
15 it in support of his attitude. On that ground alone
16 we must receive it and all that is open then is the
17 weight of it and your comments later.

18 MR. BROOKS: I would like for the Tribunal to
19 pass upon my objections after being fully heard un-
20 interrupted.

21 THE PRESIDENT: You are trying to interrupt
22 me, but you don't realize it. Some of my colleagues
23 bitterly resent your attitude.

24 MR. BROOKS: I can't understand how anyone can
25 bitterly resent my attitude when they haven't fully

1 heard it and understand that it is an insistence upon
2 a man getting a fair trial. I am insisting, if your
3 Honors please --

4 THE PRESIDENT: Here is a note from another
5 colleague: "An objection on procedure must be stated
6 briefly and is not an excuse for a speech." That is
7 what you are making.

8 MR. BROOKS: I think I have been encouraged a
9 little, if your Honor please. I wish to state an objec-
10 tion, but if the Court doesn't care to hear me I will
11 not proceed. I will leave it to a majority of the
12 Court whether I am to be heard on this objection fully.

13 THE PRESIDENT: No objection to this particular
14 evidence can be sustained by any court.

15 MR. BROOKS: If that is the attitude of the
16 Court there is no need of making an objection.

17 THE PRESIDENT: Colonel Fixel.

18 COLONEL FIXEL: May the exhibit receive a number?

19 THE PRESIDENT: It is admitted on the usual
20 terms.
21

22 CLERK OF THE COURT: Prosecution document
23 No. 612 entitled "Direction of the Manchurian Military
24 Administration" will receive exhibit No. 3378 for
25 identification only, and the excerpt therefrom, bear-
ing the same prosecution document number, will receive

1 exhibit No. 3378A.

2 (Whereupon, prosecution document No. 612
3 was marked prosecution's exhibit No. 3378 for
4 identification, the excerpt therefrom being
5 marked prosecution exhibit No. 3378A and received
6 in evidence.)

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 THE MONITOR: Colonel Fixel, this is the
2 Language Division. It appears that certain pages as
3 contained in the English copy are not translated --
4 are not given in the Japanese copy. The last para-
5 graph of page 8, entire page 9, and page 10 are not
6 in the Japanese copy.

7 MR. BROOKS: If your Honors please, if it is
8 a translation difficulty, that is something that can
9 be corrected by an errata sheet later. I notice there
10 are quite a few in some of the other documents which
11 I will raise, and when we are checking I think we can
12 take care of them.

13 COLONEL FIXEL: May I read exhibit 3378-A?

14 THE MONITOR: Colonel Fixel, if you are going
15 to read the entire document, that part of the document
16 will have to be done by relay translation instead of
17 simultaneous. Will that be all right?

18 COLONEL FIXEL: Well, I think so. We will
19 have to do the best we can with it. It must have been
20 a defect in the Language Division not to get the trans-
21 lation out completely.

22 THE PRESIDENT: I think we should recess
23 now five minutes earlier to enable this matter to be
24 adjusted. We will recess for fifteen minutes.

25 (Whereupon, at 1040, a recess

1 was taken until 1100, after which the
2 proceedings were resumed as follows:)

3 - - -

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 THE PRESIDENT: Yes, Colonel.

7 COLONEL FIXEL: May I make a correction.

8 Before the recess I stated that the Language
9 Division had made an error in the translation of this
10 excerpt from IPS document No. 612. What I meant was
11 that the Language Section of the International Prosecu-
12 tion Section had made the mistake in making an omission,
13 and not the Language Division of this Tribunal.

14 May I proceed to read exhibit 3378-A?

15 THE PRESIDENT: Yes.

16 COLONEL FIXEL: (Reading) "The Guidance of
17 the Military Government of Manchoukuo. (A report on
18 conditions on the occasion of leaving my post and
19 handing over to my successor.)

20 "August 1, 1934. By Major General Shun TADA,
21 Advisor to the Military Government of Manchoukuo.

22 "August 1, 1st year of Kangte. To General
23 HISHIKARI, Commander-in-Chief of the Kwantung Army.

24 "Re Report on Conditions.

25 "On leaving my post, I submit to you my report

1 on the conditions connected with the guidance of the
2 military government of Manchoukuo from the time of the
3 founding of the empire, as you will see in an annexed
4 booklet.

5 "I add further that the annexed booklet is
6 to serve as a document to hand over my duties to my
7 successor.

8 "Shun TADA, Advisor to the Department of the
9 Military Government of Manchoukuo.

10 "The Guidance of the Military Government of
11 Manchoukuo.

12 "Chapter One. The Outline of the Guidance of
13 the Military Government from the Time of the Founding
14 of the Empire.

15 "1. Grasping Control of the Manchoukuan Army.

16 "Article 1. Grasping by Force and the Central
17 Control.

18 "I. The Grip on the Life Pulse of the Man-
19 choukuan Army.

20 "1) At the beginning of the founding of the
21 Empire of Manchoukuo the troops in various places had
22 gradually reverted to the new state forced into sub-
23 mission by the Imperial Army and had been organized
24 into garrisons of various provinces, but they still
25 assumed the aspect of rival warlords and the controlling

1 power of the military government failed to penetrate
2 into them, causing changeable and unsettled conditions.

3 "In order to make them loyal to the new state
4 and put them under the practical control of the Imperial
5 Army either at the time of war or at the time of peace,
6 it was necessary to control them first of all under
7 the government's rule.

8 "2) In that period we established the great
9 policy of gradual organization and drew up 'The Essential:
10 for Organization of the Manchoukuan Army' (Manshukoku-
11 gun Seibi Yoko'). As the first provisional measure
12 it was necessary to strive for 'grasping control of
13 them by force' as well as 'putting the soldiers' minds
14 at rest,' so we dispatched advisors and military
15 instructors (all of them were renamed advisors after-
16 wards), who were very few in number at that time, to
17 various key points in the whole of Manchoukuo to make
18 them assume the responsibilities of gripping the Man-
19 choukuan Army with the influence of the Imperial Army
20 for a background /i.e. backing/; at the same time, per-
21 ceiving that we must include in our grasp 'money,'
22 'people' and 'munitions' to control the life pulse of
23 the Manchoukuan Army and put them under the government's
24 direct control, we exercised, first of all, general
25 control over the fundamental principles regarding

1 accounting, personnel affairs and munitions, and after
2 that we strove for the gradual centralization of matters
3 relating to the above.

4 "II. The Formation of Guidance Networks of
5 the Manchoukuan Army and its Consolidation.

6 "1) The Basic Formation of Guidance Networks.

7 "Feeling keenly that in order to grasp control
8 of the Manchoukuan Army, it was essential to secure
9 our grasp of the army by 'forming systematic networks'
10 and 'cellularizing their veins and branches,' we held,
11 first of all, meetings of the advisors and military
12 instructors who were scattered in various districts
13 and were hard to control and unify at first, so as to
14 come to a mutual understanding; at the same time we
15 strove to make them the pivot of control of the Manchou-
16 kuan Army and its guidance by impregnating them with
17 guiding spirit; and gradually employing Japanese person-
18 nel and making them the veins and branches of the net-
19 works, we endeavored to establish the basis of a hori-
20 zontal network system which had connections in all
21 directions. After that we demanded gradually increased
22 stationing of officers in actual service only to be
23 refused and were obliged to fill up the positions by
24 adding officers on the reserve list to this system.

25 "2) Expansion and Strengthening of the Networks.

1 "However, we were fortunate enough to have
2 the number of officers in actual service doubled in
3 April 1933, and to a certain extent we succeeded in
4 making the networks which covered the whole of Man-
5 choukuo our desired 'organic system' with the help of
6 the increased officers on the reserve list.

7 "Thereupon, we renamed all the officers in
8 actual service advisors, changed the status of officers
9 on the reserve list to that of call-in-officers and
10 named them military instructors, and established a con-
11 sistent connection even among these officers' subordi-
12 nates. And moreover, we firmly established inner con-
13 nection among Japanese-Manchoukuan officers who held
14 post in the Manchoukuan forces, government offices,
15 or schools which had contact with the above-mentioned
16 network system and were under its control, and thus
17 consolidated the guiding networks of Manchoukuo.

18 "II. Guidance in Military Operations Directly
19 Given by the Department of the Military Government.

20 "1) The Jehol Province Operations and Opera-
21 tions on the Western Boundary by the Manchoukuan Army.

22 "The Jehol Province operations were the greatest
23 operations which had been worked up and directed by
24 the Advisory Section of the Department of the Military
25 Government, a force more than 40,000 strong being used

and eight million yen being spent for them.

"Important as the operations were, I won't dwell upon the subject because it now belongs to the past and I find it too troublesome to do so.

"I will only add that the Jehol Province operations carried out by the Manchoukuan Army were presided over by the advisors of the Department of the Military Government and the advisors of the general headquarters of the former enemy, from their preparations down to the outset and the guidance after the outset, and that the efforts made by those concerned are worthy of our appreciation.

"Further, special attention should be accorded to the western boundary operations (the Tolun operations) which were carried out soon after the Jehol Province operations. As a result of the operations, the garrison of the Eastern Chahar (Lieutenant General Li Shouhsin is commanding it) as /one of/ the pro-Manchoukuan self-defence forces is now stationed in the vicinity of Tolun and ruling over its neighborhood, and the government office of the governor of the Eastern Chahar Special Autonomous Administrative District is established; this should not be overlooked in conducting movements towards Chahar. And the fact that Le Shou-hsin is concurrently holding the post

and eight million yen being spent for them.

"Important as the operations were, I won't dwell upon the subject because it now belongs to the past and I find it too troublesome to do so.

"I will only add that the Jehol Province operations carried out by the Manchoukuan Army were presided over by the advisors of the Department of the Military Government and the advisors of the general headquarters of the former enemy, from their preparations down to the outset and the guidance after the outset, and that the efforts made by those concerned are worthy of our appreciation.

"Further, special attention should be accorded to the western boundary operations (the Tolun operations) which were carried out soon after the Jehol Province operations. As a result of the operations, the garrison of the Eastern Chahar (Lieutenant General Li Shouhsin is commanding it) as /one of/ the pro-Manchoukuan self-defence forces is now stationed in the vicinity of Tolun and ruling over its neighborhood, and the government office of the governor of the Eastern Chahar Special Autonomous Administrative District is established; this should not be overlooked in conducting movements towards Chahar. And the fact that Le Shou-hsin is concurrently holding the post

1 of commander-in-chief of the garrison in the Province
2 of Hsingan Hsishen (Wu Ku-ting is his acting commander-
3 in-chief) and that the Department of the Military
4 Government is expected to defray ¥300,000 annually
5 as the expenses for its maintenance is also worthy of
6 our attention.

7 "I. The Commencement of the Organization of
8 the Department of Military Government.

9 "1) With the founding of the state Ma Chan-
10 shan was designated as Chief of the Department of
11 Military Government, but he soon turned traitor and
12 ran away.

13 "In the middle of April, Wang Ching-hsiu was
14 appointed to the post of vice-chief of the Department
15 of Military Government and was made to deal with the
16 chief's business on behalf of him. He set about organ-
17 izing the Department of Military Government.

18 "2) At the outset, the Kwantung Army charged
19 itself with his guidance and Captain of Cavalry, KOMATSU,
20 member of the Army Staff, and Intendant Captain SUMITANI,
21 attached to the Naval Staff, chiefly concerned them-
22 selves in the business.

23 "II. Organizing Guidance Organs and Setting Up
24 Guidance Network.
25

"1) On April 13, Advisers to Military

1 Administration, Advisers to Provincial Guards' Head-
2 quarters, and Military Instructors were appointed, and
3 they were placed under my supervision.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 "I. To Whom the Prerogative of Supreme
2 Command Belongs and Whence it is Put in Action.

3 "The prerogative of supreme command is to
4 be controlled by the Emperor and the form that will
5 justify the name of Sovereign State is to be
6 adopted, but the original source that will put it in
7 action is under the control of the commander-in-
8 chief of the Kwantung Army.

9 "The advisors holding it in their power,
10 the source from where the prerogative of supreme
11 command is put in action is really and practically
12 in the hands of the commander-in-chief of the Kwan-
13 tung Army.

14 "II. The Independence of the Prerogative
15 of Supreme Command and the Particulars of its Real-
16 ization.

17 "1) The Independence of the Prerogative
18 of Supreme Command.

19 "It was not clear at the outset whether the
20 prerogative of supreme command of Manchoukuo was
21 independent of her state affairs or not; but on the
22 occasion of the enforcement of Imperial (Manchukuo)
23 rule, it was made clear that it should be independent.

24 "2) The Reasons of the Independence of the
25 Prerogative of Supreme Command.

1 "Considering that the Kwantung Army has
2 been making its elements penetrate deep into the
3 Manchoukuan Army and has been controlling its (i. e.
4 Manchoukuan Army's) tendency through these elements,
5 and has been making them (i. e. elements) grasp the
6 substance of supreme command of the Manchoukuan
7 Army, it may be proper to deal with supreme command
8 of the Manchoukuan Army through the original system
9 which is under the control of the Kwantung Army, not
10 through the Board of General Affairs.

11 "Moreover, even if we look at the problem
12 in a practical way, it would be idle to attempt to
13 carry out matters belonging to the Supreme Command
14 through civilian officials.

15 "As to the possibility of revolt by the
16 Manchurian Army, based on the so-called 'Impossibility
17 of Independence Opinion,' if we come to a situation
18 where it is uncontrollable by the present military
19 advisors' system, we shall not be able to prevent the
20 performance of duties pertaining to the Supreme Com-
21 mand, by civilian officials.
22
23
24
25

1 "And there is the opinion that there is a
2 danger because the permanency of the advisers for
3 the Manchurian Army is uncertain; but the withdrawal
4 of advisers is something unimaginable to those who
5 consider the permanent rule of Manchukuo. If we
6 realize the fact that from ancient times armed troops
7 can be the destruction of the supreme power just as
8 it can be its mainstay, we shall not be able to
9 loosen our control of a national army composed of a
10 different race. That the advocates are voluntarily
11 thinking of taking steps convenient for revolts,
12 while recognizing the possibility of revolts by the
13 Manchurian Army, is obviously self-contradicting.

14 "Moreover, there is the opinion that the
15 dispatch of advisers should not be continued when
16 there is no lawful foundation for it. However, from
17 the spirit of the protocol and from the articles of
18 the military agreement, the dispatch of advisers
19 should be interpreted as having lawful foundations.
20 What is still more, customs can always be taken for
21 lawful foundations.

22 "Moreover, by its independence we shall
23 give the Manchoukuan Army a nucleus and shall be able
24 greatly to enhance the feeling of a national army.
25 And as long as the Kwantung Army has the substance of

1 the Supreme Command under its power, there is no
2 danger.

3 "However, in conclusion, what we should
4 be most careful about is that, if we should make
5 a precedent of a nonindependent supreme command in
6 Manchukuo, it will become a source of calamity for
7 our Imperial Army in the future, although it may
8 be all right for the present.

9 "3) The Developments Leading to the
10 Independence of Supreme Command.

11 "Although there were doubts also within
12 our army as to the advisability of the independence,
13 negotiations were made with the authorities con-
14 cerned according to the above-mentioned opinion,
15 and it was made independent as a matter of formality.

16 "Chapter Two

17 "The Organs for Guidance of the Manchoukuan
18 Army.

19 "Article I - An Outline

20 "Though I have already described the organs
21 for guiding the Manchoukuan Army in the first section
22 of chapter one and also in the third section of
23 chapter two, as I cannot ignore this organization,
24 which in explaining the present situation of the
25 military government of the Manchoukuan Army, could

1 be considered as its basis, I want to add some
2 explanations on some items which I have not described
3 in the above.

4 "I. The Branch Organs of the Imperial Army.

5 "The existing advisors are not employed by
6 the Manchoukuan Army nor does their appointment need
7 this army's sanction, nor is an ex post facto approval
8 of their appointment necessary, they are simply dis-
9 patched to the Manchoukuan Army by the Kwantung Army
10 in accordance with a military order; in short, the
11 advisers are organs of the Imperial Army and the
12 systematic networks for controlling the Manchoukuan
13 Army are, in reality, nothing but branch organs of
14 the Imperial Army.

15 "II. The Advisors' Consciousness of their
16 being Members of the Imperial Army.

17 "Though in the Manchoukuan Army, the ad-
18 visors are in service on the standpoint that they
19 are all officers of the Japanese Imperial Army and
20 burn with the patriotic spirit of those who are at
21 the front to accomplish our national policy. It is
22 certain that they will never place the Manchoukuan
23 Army in opposition to the Japanese Imperial Army.

24 "III. The Advisors Hold Real Power in the
25 Manchoukuan Army.

1 be considered as its basis, I want to add some
2 explanations on some items which I have not described
3 in the above.

4 "I. The Branch Organs of the Imperial Army.

5 "The existing advisors are not employed by
6 the Manchoukuan Army nor does their appointment need
7 this army's sanction, nor is an ex post facto approval
8 of their appointment necessary, they are simply dis-
9 patched to the Manchoukuan Army by the Kwantung Army
10 in accordance with a military order; in short, the
11 advisors are organs of the Imperial Army and the
12 systematic networks for controlling the Manchoukuan
13 Army are, in reality, nothing but branch organs of
14 the Imperial Army.

15 "II. The Advisors' Consciousness of their
16 being Members of the Imperial Army.

17 "Though in the Manchoukuan Army, the ad-
18 visors are in service on the standpoint that they
19 are all officers of the Japanese Imperial Army and
20 burn with the patriotic spirit of those who are at
21 the front to accomplish our national policy. It is
22 certain that they will never place the Manchoukuan
23 Army in opposition to the Japanese Imperial Army.

24 "III. The Advisors Hold Real Power in the
25 Manchoukuan Army.

1 "1) The Manchoukuan leaders who were
2 picked out by the advisors to take part in the De-
3 partment of the Military Government established by
4 the advisors were naturally under the advisors'
5 perfect control; and besides, as they had never been
6 in service in this kind of government office, they
7 could not do anything without the advisors' guidance.
8 Such being the situation, the Department of the
9 Military Government naturally held perfect control
10 of the advisors.

11 "2) In provinces, chiefs of the Military
12 Intelligence Bureaus being generally appointed as
13 advisors, past circumstances naturally caused them
14 to come in power.

15 "3) At the front line, they (i. e., the
16 Manchoukuan leaders) realized that they could obtain
17 facilities in connection with the Imperial Army
18 through the advisors and this caused them to make
19 friends with the advisors; the advisors' footing was
20 raised as they (i. e., the Manchoukuan leaders)
21 thought it wise to rely upon them in matters concern-
22 ing negotiations with the Department of the Military
23 Government; they began to revere and rely upon the
24 advisors after they had known the advisors' ability
25 in matters concerning subjugation; and they also

1 realized that a word from an advisor to the Central
2 Government authorities would concern their position
3 and merit, and this naturally induced them to be
4 ruled by the advisors.

5 "In short, the advisors are now practical
6 rulers of both local and central governments.

7 ". . . In short, what makes the pivot of
8 guidance is practical grasp of the Manchoukuan Army.
9 And for this purpose, it is essential that we should
10 establish control attended with real power with
11 strong and systematic guiding networks and also
12 firmly control soldiers' minds by the spirit of
13 harmony, various measures to be taken and facilities
14 to be established should all be based on the aforesaid.

15 "Now I will dwell upon some concrete prob-
16 lems. I think it necessary to consolidate the rela-
17 tions between the guiding networks and the cells of
18 the Japanese-Manchoukuan officials related to them.
19 And we should pay most attention to the establishment
20 of gendarmerie (Kempei-tai) and to the reform of
21 training stations; we should exert our utmost in the
22 matters that would affect the inner workings of the
23 human nature of the Manchoukuan people such as per-
24 sonnel affairs, allowances, rewards, and relief; as
25 for various equipment, we should be satisfied by only

1 fulfilling the minimum necessity and aim at the
2 immediate maintenance of public peace and order;
3 but as for the equipment and facilities which will
4 be used by the Imperial Army in wartime, they should
5 be completely equipped from a different point of
6 view."

7 Q Now, Witness, was not the real reason that
8 you were relieved from the important position of
9 Vice-War Minister and made Chief of Staff of the
10 Kwantung Army so that you could carry out the con-
11 quest of Jehol?

12 A My transference from the post of Vice-Minister
13 of War to that of Chief of Staff of the Kwantung Army
14 was carried out on the orders of my superiors. There-
15 fore, I know nothing about the reasons for my trans-
16 ference.

17 Q Were not the military operations of the
18 Kwantung Army in Jehol accelerated shortly after
19 your arrival as Chief of Staff?

20 A As is written in my affidavit, after the
21 signing of the Japan-Manchukuo Protocol on the 15th
22 of September, the Japanese Army in Manchuria, that
23 is to say, the Kwantung Army was given the responsi-
24 bility of the defense and maintenance of peace and
25 order in Manchuria -- joint defense and the maintenance

1 of peace and order. Therefore, the re-establishment
2 of law and order in Jehol was also necessary, but a
3 more pressing problem was the re-establishment of
4 law and order in the area east of the Taliao River,
5 and for this purpose, in order to effect this main
6 objective, we tried to re-establish peace and order
7 in Jehol by peaceful means.

8 Q Were you the executive of the Special
9 Service Department as well as the Chief of Staff of
10 the Kwantung Army?

11 A Yes, as you say.

12 Q Was General DOHIHARA connected with the
13 Special Service Department during the time you were
14 Chief of Staff?

15 A He had nothing to do with that organ, that
16 department.

17 Q Was it the Special Service Department or
18 the Special Service Organ that had charge of opium
19 in Manchukuo?

20 A The Manchukuo Government had complete con-
21 trol of matters pertaining to opium.

22 Q Didn't the Kwantung Army have something to
23 do with that control also? I am speaking of the time
24 while you were Chief of Staff and also executive of
25 the Special Service Department.

1 A The Kwantung Army had nothing to do with
2 the opium problem.

3 COLONEL FIXEL: May the witness be shown
4 IPS document 1302, which is offered for identifica-
5 tion.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

W
O
l
f
&
R
e
i
c
h
e
r
s

1 Q Did you, as Chief of Staff in the
2 Kwantung Army in January 1933, receive three
3 million yen from secret service funds?

4 A In January 1932 I was not yet on duty
5 with the Kwantung Army.

6 Q I am speaking of January 1933.

7 A I do not recall.

8 Q While you were Chief of Staff of the
9 Kwantung Army did you recommend to the War
10 Ministry a customs and tariff policy for Manchuko?

11 A I recall having received a document from
12 the Chief of Staff of the Kwantung Army while I
13 was Vice Minister of War. I myself do not recall
14 ever having sent out any such document.

15 Q Is it not a fact that after you had become
16 Chief of Staff of the Kwantung Army you then made
17 recommendations to effectuate a customs policy
18 which would be very favorable to Japan?

19 A I do not recall.

20 Q And isn't it true that you then made a
21 recommendation that no other country except Japan
22 should be able to participate unconditionally in
23 Japanese-Manchukuoan conventional tariffs?
24

25 A I have no recollection of having done
such a thing.

1 THE MONITOR: We have to modify the
2 interpretation of the last question.

3 (Whereupon, the Monitor spoke
4 in Japanese.)

5 THE PRESIDENT: Does that modification
6 affect your answer, Witness?

7 THE WITNESS: No, I have no recollection.

8 COLONEL FIXEL: The prosecution offers IPS
9 document 1302 for identification.

10 CLERK OF THE COURT: Prosecution document
11 No. 1302 will receive exhibit No. 3379 for identifi-
12 cation only.

13 (Whereupon, the document above
14 referred to was marked prosecution exhibit
15 No. 3379 for identification.)

16 COLONEL FIXEL: May the witness be shown
17 exhibit 3379.

18 (Whereupon, a document was handed
19 to the witness.)

20 Q And, will he examine the marked portion
21 thereof which is a letter from himself, purportedly,
22 to Vice War Minister YANAGAWA, dated December 29,
23 1932, stating recommendations regarding Manchukuoan
24 tariffs and customs? Does that document bear your
25 signature?

1 A My official seal is set on that document.

2 COLONEL FIXEL: The prosecution offers
3 exhibit 3379 -- or the excerpt from 3379 in evidence.

4 THE PRESIDENT: Captain Brooks.

5 MR. BROOKS: I shall reserve my objec-
6 tions until later, your Honor.

7 THE PRESIDENT: Admitted on the usual
8 terms.

9 CLERK OF THE COURT: Prosecution document
10 No. 1302 will receive exhibit No. 3379-A.

11 (Whereupon, the document above
12 referred to was marked prosecution exhibit
13 No. 3379-A and received in evidence.)

14 COLONEL FIXEL: The prosecution desires
15 to read that part of the document which is a letter
16 of transmittal and the document itself:

17 "Date: December 29, 1932.

18 "To Vice-War Minister, YANAGAWA, Heisuke.

19 "From Chief of Staff of Kwantung Army,

20 KOISO, Kuniaki.

21 "I hereby notify you regarding a definite
22 plan as per separate text, concerning matters of
23 Manchurian economic control that has been obtained
24 as the result of research in the Army.
25

 "If you have any comments, please advise

us immediately."

1 The separate text: The Outline re the
2 General Policy for Manchukuo customs duty:

3 "Draft of Outline of General Measures
4 regarding Customs Duties in Manchukuo, 12 December
5 1932, The Headquarters of the Kwantung Army.

6 "1. To decide on a customs policy so as
7 to make Japan and Manchukuo one economic unit shall
8 be the final aim, but for the time being, the follow-
9 ing policy shall be adopted.

10 "2. The customs of Manchukuo shall be
11 based on the statutory tariff in principle, but
12 towards Japan the tariff on certain specified
13 articles shall be decided by an agreement. Manchukuo
14 shall be persuaded to keep away as much as possible
15 from making any tariff agreement with any Powers
16 other than Japan. She shall not unconditionally
17 allow other powers to share in the tariff agreed
18 between her and Japan.

19 "3. The statutory tariff of Manchukuo shall
20 be decided, for the time being, through the reason-
21 able revision of the present tariff. Later the
22 general tariff shall be entirely altered.

23 "4. In revising the present tariff, certain
24 articles shall be specified as free goods or those
25

1 the duties on which shall be reduced, according
2 to the principle of the control over the Japanese-
3 Manchurian economic relations. On the other hand,
4 to make up for the subsequent decrease of revenue,
5 duties on such articles that will not hinder the
6 Japanese-Manchurian trade shall be increased.

7 "5. In the revision of the present tariff,
8 a legitimate consideration shall be taken to prevent
9 the third Powers, especially China and Russia,
10 from making an economic advance towards Manchukuo
11 to the disadvantage of the economic relations
12 between Japan and Manchukuo.

13 "6. A system shall be considered whereby
14 discrimination may be made between the exports and
15 imports of countries friendly to Manchukuo and
16 those unfriendly to it.

17 "7. Consideration shall be taken to devise
18 a system to reduce the customs duties at the border
19 of Manchuria and Korea.

20 "8. Special treatment shall be given to
21 the duties of the special articles necessary for
22 the execution of the common defense of Japan and
23 Manchukuo.
24

25 "9. The rights already acquired in accordance with the treaties or agreements shall be

1 independent from the statutory and the stipulated
2 tariffs.

3 "10. Regarding the revision and abolition
4 of the Manchurian Customs Law and the Tariff Law,
5 close connection between the Japanese and the
6 Manchurian authorities shall be maintained.

7 "11. The customs system in Kwantung
8 Province shall remain in general as it is now."

9 Q Did you, on 24 January 1934, while Chief
10 of Staff of the Kwantung Army, make any recommen-
11 dations to the Vice Army War Minister as to any
12 changes in the proposed Manchukuoan Constitution
13 which was then under consideration?

14 A It is not in my recollection.

15 Q Do you recall recommending that power
16 should be divided between a premier and several
17 department heads so that control by the Kwantung
18 Army could be effectually carried out?

19 A I don't know of the reasons but I recall
20 having expressed an opinion to the effect that the
21 position of the prime minister in Manchukuo should
22 be stronger than that of the prime minister in
23 Japan. In Japan the prime minister is one of the
24 ministers of state and is equal with the other
25 ministers of state. I felt that in Manchukuo the

1 premier should be given a stronger position and
2 that he should be in a position to control and
3 lead his cabinet.

4 COLONEL FIXEL: The prosecution offers
5 IPS document 624 for identification.

6 CLERK OF THE COURT: Prosecution document
7 No. 624, entitled "Army Manchurian Secret File
8 for 1934", will receive exhibit No. 3380 for
9 identification only.

10 (Whereupon, the document above
11 referred to was marked prosecution exhibit
12 No. 3380 for identification.)
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Q Will the witness examine the excerpt from
2 exhibit 3380, which appears to be a letter, dated
3 the 24th of January, 1934, containing certain
4 recommendations made by the Chief of Staff of the
5 Kwantung Army to the Vice-War Minister.

6 Will you state whether that is a document
7 that was prepared and dispatched by you or at your
8 direction?

9 (Whereupon, a document was handed
10 to the witness.)

11 A My memory is not quite clear on this point.
12 I do think, however, that I must have sent a telegram
13 of this nature.

14 COLONEL FIXEL: I offer the excerpt referred
15 to in evidence.

16 THE PRESIDENT: Captain Brooks.

17 MR. BROOKS: I desire to object at a later
18 period, your Honor.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: The excerpt from exhibit
21 3380 will receive exhibit No. 3380-A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution exhibit No.
24 3380-A and received in evidence.)

25 COLONEL FIAEL: With the permission of the

Tribunal, prosecution desires to read only paragraph
1 III of the excerpt and the last paragraph of paragraph
2 V:

3 "24 January 1934

4 "Telegram from the Chief of Staff of the
5 Kwantung Army /KOISO appears in pencil/ to the Vice
6 War Minister.

7 "Despatched: 00:20 P.M. January 24

8 "Received: 01:33 P.M.

9 "TOP SECRET Urgent

10 "III. As to the responsibility for
11 assistance of the Chiefs of Departments, it is appar-
12 ently helpful, in intensifying the principle of
13 making the General-Affairs Board the axis, to have
14 only the Premier assist. However, viewed from the
15 practical application and considering transitions in
16 the future, the selection of the Premier will not
17 always cater to the opinion of the army commander,
18 and a stubborn man may be sometimes selected for
19 that post. Then there will be a danger of delay
20 and standstill of all sorts of political affairs
21 owing to the attitude of the Premier alone. In such
22 cases, if the Chief of each Department is responsible
23 for assistance in matters in his charge, the army
24 commander will be able to carry through his opinion
25

1 by controlling one man or the other. Therefore,
2 it is appropriate to divide part of the responsibility
3 for assistance among the Chiefs of Departments.
4 That is to be prescribed clearly in the Organization
5 Law. /marginal note: 'Agreeable'/"

6 And the last paragraph, paragraph V reads:

7 "I beg you to give your consideration so
8 that most of the opinions mentioned in the above
9 clauses may meet with your approval, and to reply
10 by wire by the afternoon of the 25th."

11 BY COLONEL FIXEL (Continued):

12 Q Did you secure approval for your suggestions,
13 these recommendations that were made in the message
14 that has just been read to you?

15 A On reading through -- glancing through this
16 telegram and after hearing your reading of paragraph
17 III, I feel that what is stated here in paragraph III
18 is somewhat different from my thought as expressed
19 to you in my previous answer. And I feel that there
20 may have been some discussion therefore on this point
21 within the Kwantung Army Headquarters, and there may
22 have been some disagreement, but my recollection is
23 not too clear about it. And I should like to state,
24 also, that if you will look through this telegram, you
25 will see clearly that this telegram has been sent

1 from the Kwantung Army in reply to an inquiry addressed
2 to that Army from Central Army Headquarters.

3 Q The question I asked you was whether your
4 suggestions were complied with by the Central Army
5 Authorities.

6 A I don't believe that the orders as finally
7 given by the Central Authorities embodied completely
8 the suggestions contained in this telegram.

9 Q Particularly with reference to your
10 suggestion that there be divided control between
11 the Premier and the other department heads in the
12 Government of Manchukuo. Was that suggestion complied
13 with?

14 A This is a point that was not accepted by
15 Central Army Authorities. That is my recollection.

16 COLONEL FIXEL: Prosecution offers IPS
17 document 989 for identification.

18 CLERK OF THE COURT: The Great Secret
19 Manchurian Diary for the year 1933 will receive
20 exhibit No. 3381 for identification only.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution exhibit No.
23 3381 for identification.)
24

25 COLONEL FIXEL: May the witness be shown
an excerpt from exhibit 3381, which is dated January

1 from the Kwantung Army in reply to an inquiry addressed
2 to that Army from Central Army Headquarters.

3 Q The question I asked you was whether your
4 suggestions were complied with by the Central Army
5 Authorities.

6 A I don't believe that the orders as finally
7 given by the Central Authorities embodied completely
8 the suggestions contained in this telegram.

9 Q Particularly with reference to your
10 suggestion that there be divided control between
11 the Premier and the other department heads in the
12 Government of Manchukuo. Was that suggestion complied
13 with?

14 A This is a point that was not accepted by
15 Central Army Authorities. That is my recollection.

16 COLONEL FIXEL: Prosecution offers IPS
17 document 989 for identification.

18 CLERK OF THE COURT: The Great Secret
19 Manchurian Diary for the year 1933 will receive
20 exhibit No. 3381 for identification only.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution exhibit No.
23 3381 for identification.)
24

25 COLONEL FIXEL: May the witness be shown
an excerpt from exhibit 3381, which is dated January

1 25, 1933, and shows the allotment of ¥3,000,000 by
2 the War Ministry to the Chief of Staff of the
3 Kwantung Army.

4 (Whereupon, a document was handed
5 to the witness.)

6 BY COLONEL FIXEL (Continued):

7 Q Does this document refresh your recollection
8 to the extent that you can now say that you did
9 receive ¥3,000,000 as of the date indicated?

10 A As I stated before, I have no clear
11 recollection on this point. I should like to call
12 your attention to the fact that I have already stated
13 in my affidavit concerning the method of disposal
14 by the Kwantung Army of its secret funds.

15 COLONEL FIXEL: The excerpt from exhibit
16 3381 is offered in evidence.

17 THE PRESIDENT: It is a bit early, isn't it?

18 MR. BROOKS: I didn't catch your Honor's
19 statement.

20
21 I wish to object to the introduction of this
22 document because it has not been recognized by the
23 witness, apparently, and I think that the prosecution
24 at the time that they offered evidence as to the
25 other funds, had this material in hand and it should
have been offered then so that I could have called

1 25, 1933, and shows the allotment of ¥3,000,000 by
2 the War Ministry to the Chief of Staff of the
3 Kwantung Army.

4 (Whereupon, a document was handed
5 to the witness.)

6 BY COLONEL FIXEL (Continued):

7 Q Does this document refresh your recollection
8 to the extent that you can now say that you did
9 receive ¥3,000,000 as of the date indicated?

10 A As I stated before, I have no clear
11 recollection on this point. I should like to call
12 your attention to the fact that I have already stated
13 in my affidavit concerning the method of disposal
14 by the Kwantung Army of its secret funds.

15 COLONEL FIXEL: The excerpt from exhibit
16 3381 is offered in evidence.

17 THE PRESIDENT: It is a bit early, isn't it?

18 MR. BROOKS: I didn't catch your Honor's
19 statement.
20

21 I wish to object to the introduction of this
22 document because it has not been recognized by the
23 witness, apparently, and I think that the prosecution
24 at the time that they offered evidence as to the
25 other funds, had this material in hand and it should
have been offered then so that I could have called

1 in the accountants and had affidavits prepared so
2 they know what is coming in advance. And I think
3 that the evidence already in is sufficient of the
4 other matter, without going into explanations on
5 additional points, if they were used.

6 Such a reopening of the prosecution's case
7 at this stage in the proceedings takes the defense
8 by way of an unfair advantage since their case has
9 been fully revealed in writing. And I don't see
10 how I can close the defense case, at the end of the
11 presentation of the evidence I have now, if the
12 prosecution didn't mean that they would close their
13 case when they so stated at the end of presenting
14 their evidence.

15 THE PRESIDENT: That point has been taken
16 before and decided. Why repeat it at the expense of
17 so much time?

18 We will hear you after lunch, Colonel. We
19 will adjourn until half-past one.

20 (Whereupon, at 1200, a recess was taken.)
21
22 - - -
23
24
25

AFTERNOON SESSION

K
n
a
p
p
&
K
a
p
l
e
a
u1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The Tribunal met, pursuant to recess,
at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Colonel Fixel.

K U N I A K I K O I S O, an accused, resumed
the stand and testified through Japanese inter-
preters as follows:

COLONEL FIXEL: In answer to defense objec-
tions to the admission of an excerpt from IPS docu-
ment 989, the prosecution takes the position that
it is permissible on cross-examination to offer docu-
ments not previously in evidence.

THE PRESIDENT: That has already been decided
in your favor.

COLONEL FIXEL: I offer the document in evidence.

THE PRESIDENT: The difficulty here was that
this witness, as far as I recollect, did not say whether
they were Kwantung Army documents, to his knowledge.

COLONEL FIXEL: May I ask the witness one
question?

BY COLONEL FIXEL (Continued):

O Is this document, Witness, correct in accord-

1 ance with its purport?

2 MR. BROOKS: I object to that, your Honor.
3 The document should speak for itself. If he knows
4 about it, that is another thing.

5 THE PRESIDENT: Is that a Kwantung Army docu-
6 ment of your time?

7 THE WITNESS: This is not a Kwantung Army
8 document but a War Ministry document.

9 THE PRESIDENT: You recognize it as such?

10 THE WITNESS: I believe it is correct.

11 THE PRESIDENT: It was received by the Kwan-
12 tung Army from the Vice-Minister of War, was it?

13 THE WITNESS: Yes.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document
16 No. 989, being an excerpt from exhibit No. 3381 for
17 identification only, will receive exhibit No. 3381-A.

18 (Whereupon, the document above re-
19 ferred to, being an excerpt from exhibit No.
20 3381 for identification, was marked prosecu-
21 tion exhibit 3381-A and received in evidence.)

22 COLONEL FIXEL: The prosecution desires to
23 read only the two items on page 2, Draft of Notifica-
24 tion and Draft of Code Telegram, in addition to the
25 date, which appears to be January 25, 1933, headed

1 "War Ministry. Subject Matter: Granting of Manchurian
2 Incident Expenditure Secret Service Funds."

3 And then from page 2:

4 "Draft of Notification to the Chief of the
5 Finance Section of the Intendance Bureau. (Man -
6 Secret).

7 "Disburse three million yen as Manchurian
8 Incident Expenditure Secret Service Funds and deliver
9 same to Kuniaki KOISO, the Chief of Staff of the Kwan-
10 tung Army.

11 "Army Man-Secret No. 33. January 25, 1933.
12 /seal of/ KASHIMA.

13 "Draft of Code Telegram from the Vice-Minister
14 to the Chief of Staff of the KWANTUNG Army. 'Army MAN'

15 "Three million yen is being granted for your
16 Army's needs as the MANCHURIAN Incident Expenditure
17 Secret Service Funds.

18 "Army MAN No. 85 - January 25, 1933 /seal of/
19 SATO."

20
21 Q Now, Witness, was the Harbin Special Service
22 Agency under you when you were the Kwantung Army Chief
23 of Staff and concurrently Special Service Chief of
24 the Kwantung Army?

25 A It was under the command of the commander of
the Kwantung Army.

1 Q Can you name the persons known to you who
2 worked at that time with the Japanese Special Service
3 Agency in Harbin?

4 A They often changed. The one I remember best
5 is the Chief KOMATSUBARA.

6 Q Was the Harbin Special Service Agency engaged
7 in the collection of information concerning the Soviet
8 Union?

9 A During my period in office the Special Ser-
10 vice organs were mainly concerned with the maintenance
11 of peace and order within the country, and therefore
12 the Harbin Special Service organ was also concerned
13 with maintaining peace and order.

14 Q Was the Harbin Special Service Agency engaged
15 in the working out of plans of political measures for
16 the preparation of war against the U.S.S.R.?

17 A The Special Service organ had no such duty --
18 was not assigned such duties.

19 Q Did it have any duties to work out measures
20 intended to be carried on outside of Manchukuo --
21 for instance, on the Soviet territory -- prior to the
22 beginning of hostilities and during the war between
23 Japan and the Soviet Union?

24 A As I have just told you, the Special Service
25

organs had no duties to draft plans. Its main functions were the assembling of information at the time.

Q Do you know that in January, 1934, while you were Chief of the Kwantung Army, the Japanese Special Service agency in Harbin drew up a document entitled "Outline of Political Measures for the Preparation of a War Against the Soviet Union" that was stamped "Military Secret"?

A May I ask you in what month this so-called plan was said to be drawn up?

Q In January, 1934.

A I don't remember.

Q Is it not true that after military action in the North China provinces had been completed, you were relieved from further service in Manchukuo?

A By military operations in China are meant the operations which were carried on as an extension of the Jehol pacification campaign and with those operations which were carried on before the conclusion of the Tangku Truce. I was transferred one year after the conclusion of that agreement.

THE MONITOR: "Military operation in China" should read "military operation in North China."

Q You state in your affidavit that after you were relieved of the position of Chief of Staff of the

1 Kwantung Army, shortly thereafter you became command-
2 ing general of the Korean Army. That is correct, is
3 it not?

4 A Yes, that is correct.

5 Q And was there a sector of land which con-
6 stituted a frontier between Korea and the Soviet Union
7 at that time?

8 A Yes.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Q And was the line that divided the Kwantung
2 and the Korean armies in the neighborhood of the Lake
3 Khassan area and the vicinity of this area?

4 A Yes.

5 Q Was the 19th infantry division one of the
6 units under your command?

7 A Yes.

8 Q Did you also have the 20th infantry division
9 under your command at that time?

10 A It was not the infantry division; it was simply
11 called the 20th division.

12 Q What was the total numerical strength of the
13 19th infantry division and the 20th division together,
14 with the rear supply units attached to each?

15 A You mentioned the 19th infantry division. The
16 correct appellation of this division also is 19th
17 division.

18
19 The 19th and 20th divisions had no supply units.

20 Q What was the total numerical strength of the
21 division, exclusive of any supply units which you say
22 were not attached to these divisions?

23 A I cannot recall the exact figures, but I think
24 the total strength aggregated somewhere around 20,000.

25 Q Were there other units, such as coastal guard
units, special and rear units, under your command?

1 A We had no rear units, but there was a heavy
2 artillery unit which is known as a fortress unit.

3 Q What was the total numerical strength of the
4 Korean Army at the time you were in command of it?

5 A I cannot recall the exact figures, but as I
6 just told you, I think it was somewhere around 20,000.

7 Q Do you know what elements of the Korean Army
8 were stationed at the sector on the border with the
9 USSR, neighboring on the Korean Army?

10 A A unit belonging to the 19th division was
11 stationed near the boundary line.

12 Q What was the size of that unit, numerically?

13 A When I first arrived to take up my post as
14 Commander of the Korean Army, there were various
15 companies and platoons stationed along the banks of the
16 Tumen River. Their total strength was equivalent to
17 about two battalions, I think. Later, a reorganization
18 was carried out and units stationed in Chinghuangtao in
19 Manchukuo also came under the command of the Korean
20 Army, as that area was also assigned to the Korean Army
21 as an area to guard, and these units also numbered about
22 two battalions in strength.

23 Q Approximately what date did these additional
24 units arrive in the Lake Khassan region?
25

THE INTERPRETER: Previous to this the witness

1 started to say, "As you know, there is a place in
2 Chinhuangtao called Domonshi."

3 A I believe it was around the 13th or 14th of
4 July that a small force of the 19th division was sent
5 to strengthen the garrison at Heiko on the opposite
6 bank of Lake Khassan.

7 Q And did you know that these additional troops
8 were moving into the Lake Khassan region at that time?

9 A Until my resignation as Commander of the
10 Korean Army, no such thing happened. Until I left my
11 post as Commander of the Korean Army, no such thing
12 happened.

13 Q Do you mean that the additional troops did not
14 move into this region until you had left your post as
15 Commander of the Korean Army?

16 A As I stated before, the area along the border-
17 line south, up to the border mark "T," fell within the
18 garrison area of the Kwantung Army, and therefore,
19 even before the outbreak of this incident, scouts had
20 been entering this area frequently.

21 Q The defense witness TANAKA, Ryukichi, here in
22 the courtroom, in your presence, gave testimony to the
23 effect that the orders concerning the concentration of
24 field units of the 19th division in the vicinity of
25 Lake Khassan were given on July 11, 1938.

1 MR. BROOKS: I wish to call the Court's atten-
2 tion to the record on that statement, that it was
3 corrected at a later period. I think the prosecutor
4 should know that, too.

5 THE PRESIDENT: Do you know that, Colonel?

6 COLONEL FIXEL: No, I do not. Counsel does not
7 say whether the correction related to the date of the
8 concentration or whether he changed the record to show
9 that the order for concentration was not issued by this
10 witness.

11 MR. BROOKS: It was as to both, your Honor.
12 We can refer to the record, of course, your Honor. There
13 is no harm in asking the question, but I wanted to be
14 sure that the correction was noted by the Court and that
15 the statement was not a positive statement, as the record
16 will bear me out and later evidence will show.

17

18

19

20

21

22

23

24

25

G
r
e
e
n
b
e
r
g
&
Y
e
l
d
e
n

1 COLONEL FIXEL: May I continue asking the
2 question then?

3 Q (Continuing) And that on July 12 these units
4 had already arrived at the border. Thus, if one is
5 going to believe you, you, during four days at least,
6 were an impassive witness of the concentration of
7 troops which could have been justified only by the
8 wish on the part of the Japanese to bring about an
9 armed clash. Do you so claim?

10 MR. BROOKS: If the Court please, I object
11 to that question. It has no basis in fact and of
12 prosecution's own witnesses this one,
13 whose error has been stated here, is the only one who
14 has made such a claim as the Court can recall from
15 recent testimony of other witnesses, the Russians,
16 to that effect.

17 THE PRESIDENT: Why can't the prosecution put
18 its own evidence to him? It is common enough. It is
19 fair to him, too, to get his explanation if he has one;
20 but it is a rather lengthy question. Still the witness
21 may comprehend it. The objection is overruled.

22 A I shall reply. What you, Mr. Prosecutor,
23 have just said is utterly contrary to the facts. On
24 the 6th of July three Soviet cavalrymen appeared on the
25 crest of Changkufeng. On July 11 several more Soviet

1 troops appeared on the top of Changkufeng and
2 reports coming in from the front line indicated
3 that they were building fortifications -- they were
4 engaged in construction work. No reports reached
5 us from the front line on the following day, July 12.
6 On July 13 the number of Soviet troops on the
7 summit of Changkufeng had reached forty and reports
8 coming in indicated that the construction work was
9 continuing. I instructed the commander of the 19th
10 division, which was the division guarding that spot,
11 to take all precautions but that was all I did.
12 However, on the 14th of July a request came to me
13 from the commander of the 19th division that, since
14 he would be placed in a very difficult position in
15 his duty of guarding Korea if the Soviet troops
16 entered Manchukuoan territory, he wished to be per-
17 mitted to concentrate his troops along the banks of
18 the Tumen River. At the time the China Incident
19 was in progress and Korea was the only rear line of
20 communications, the outbreak of an incident on the
21 Soviet-Manchukuoan or on the Japanese-Soviet border
22 would constitute grave threat. Since I was in such
23 a position that I would have to be very anxious as to
24 what would be the effect of the concentration of the
25 main force of the 19th division along those river

1 troops appeared on the top of Changkufeng and
2 reports coming in from the front line indicated
3 that they were building fortifications -- they were
4 engaged in construction work. No reports reached
5 us from the front line on the following day, July 12.
6 On July 13 the number of Soviet troops on the
7 summit of Changkufeng had reached forty and reports
8 coming in indicated that the construction work was
9 continuing. I instructed the commander of the 19th
10 division, which was the division guarding that spot,
11 to take all precautions but that was all I did.
12 However, on the 14th of July a request came to me
13 from the commander of the 19th division that, since
14 he would be placed in a very difficult position in
15 his duty of guarding Korea if the Soviet troops
16 entered Manchukuoan territory, he wished to be per-
17 mitted to concentrate his troops along the banks of
18 the Tumen River. At the time the China Incident
19 was in progress and Korea was the only rear line of
20 communications, the outbreak of an incident on the
21 Soviet-Manchukuoan or on the Japanese-Soviet border
22 would constitute grave threat. Since I was in such
23 a position that I would have to be very anxious as to
24 what would be the effect of the concentration of the
25 main force of the 19th division along those river

1 banks, I sent an inquiry to the central army
2 authorities in Tokyo. The order from the central
3 army authorities replying to this inquiry which I
4 had sent came by telegram to Seoul on July 16, which
5 was the day after I had been transferred from my
6 post as Commander of the Korean Army. These instruc-
7 tions were naturally handed to my successor and
8 therefore I do not know what further orders were
9 given and what further action was taken.

10 Q Did you issue the order to the 19th division
11 canceling the latter's orders concerning the concen-
12 tration of troops in the vicinity of Lake Khassan?

13 A I never sent out such an order and so,
14 naturally, there was no such order to cancel.

15 Q You have testified concerning a number of
16 dates in the course of your testimony on this matter.
17 Do you have a memorandum of such dates and events
18 in your possession or were you testifying from memory?

19 A I was testifying from memory.

20 Q While you were a cabinet member as Overseas
21 Minister in the HIRANUMA Cabinet, were you familiar
22 with HIRANUMA's policies?

23 A I don't clearly recall at this date his
24 policies.

25 Q Did you not know that HIRANUMA as Prime

1 Minister had determined to strengthen the Anti-
2 Comintern Pact to secure closer cooperation between
3 Japan, Germany and Italy?

4 A I did hear vaguely that the problem of
5 relations between Japan, Germany and Italy was being
6 discussed in the Five Ministers' Conference -- and
7 studied.

8 Q While you were a member of the cabinet
9 didn't you learn of what was known as the HIRANUMA
10 declaration made by HIRANUMA on or about the 4th of
11 May, 1939?

12 A At the time I did not know of it.

13 Q And do you mean to say that you did not
14 know that HIRANUMA had stated that Japan was firmly
15 and steadfastly resolved to stand at the side of
16 Germany and Italy?

17 A I suppose the matter was being studied in
18 the Five Ministers' Conference but we cabinet members
19 were not told of that even in the cabinet meetings.
20
21
22
23
24
25

1 Q And you did not know, is it your claim now,
2 that HIRANUMA praised Hitler's lofty wisdom, his iron
3 will and sent a message to Hitler that he greatly ad-
4 mired the noble task of reconstruction in which Hit-
5 ler was engaged?

6 A As I told you just a while ago, I did not know
7 of it at the time. Several days after that I heard of
8 this, not from Baron HIRANUMA or from my cabinet col-
9 leagues but from HARADA, Kumao.

10 Q Do you want this tribunal to believe that
11 HIRANUMA kept such an important matter a secret from
12 his cabinet?

13 A Well, I am telling you the honest truth be-
14 cause we really did not hear about it.

15 Q Were you acquainted with Baron HARADA in
16 1939?

17 A I knew him.

18 Q And isn't it true that you had a conversation
19 with Baron HARADA on or about the 24th of April, 1939
20 in the course of which you complained to him about
21 lack of unity in the army and that such lack of unity
22 was a hindrance to the successful conclusion of the
23 Tri-Partite Pact?
24

25 A No, I never told him that.

Q Do you want to deny that you had a conversa-

1 tion with Baron HARADA at a later time in the same
2 month, in May, 1939, at which you had a conversation
3 concerning the Tri-Partite Alliance and you expressed
4 the opinion that time that, in order to conclude the
5 China war, such an alliance was necessary because it
6 would alleviate the feelings of the men at the front?

7 A The contents of that conversation are en-
8 tirely false.

9 Q What motive -- strike that.

10 If such views of yours on the Tri-Partite
11 Alliance were recorded by HARADA in the SAIONJI Diary,
12 what motive can you think of HARADA might have had
13 in making such an entry or such entries, if they
14 were not true?

15 MR. BROOKS: I object to that question, your
16 Honor, as being immaterial and irrelevant as to any
17 motives. The Court well knows that from other wit-
18 nesses in this court they have heard the basis for a
19 lot of these statements both in rumor and in hearsay.
20 Furthermore, there is no evidence before the Court that
21 HARADA ever made such a statement or upon what it was
22 based.

23
24 THE PRESIDENT: Again you bring up matters
25 already decided against you, Captain Brooks. It is
fair to this witness to let him point out, if he can,

1 why such things should have been written against him
2 through malice or something of the sort.

3 MR. BROOKS: Your Honor's statement just now
4 made assumes that such things were written. And, if
5 they had been written, why did the prosecution wait
6 until now to bring them when they have had them all
7 along, and they should have been presented in the
8 first place to give us a fair chance to build up a
9 case against them and investigate them thoroughly,
10 not wait until the last minute for a surprise?

11 THE PRESIDENT: The cross-examination is
12 quite proper according to the rulings of this Tri-
13 bunal and according to the rulings in my own court
14 in Australia.

15 COLONEL FIXEL: May the reporter read the
16 question again to the witness?

17 (Whereupon, the Japanese court re-
18 porter read.)

19 THE MONITOR: The Japanese court reporter
20 read the wrong question. Will the English court
21 reporter please read the last question?

22 (Whereupon, the last question was
23 read by the official court reporter as
24 follows:)

25 "Q If such views of yours on the Tri-Partite

1 Alliance were recorded by HARADA in the SAIONJI Diary,
2 what motive can you think of HARADA might have had
3 in making such an entry or such entries, if they were
4 not true?"

5 A My counsel gave me portions of the HARADA
6 Diary in so far as they related to me, and I have had
7 an opportunity to read those portions. I believe that
8 it was in his entry of April 18 or April 19, I forgot
9 which, but there is an entry to the effect that KOISO
10 was against the Tri-Partite Pact.

11 Q I am not asking you --

12 A May I continue just a little bit more?

13 COLONEL FIXEL: I think the witness should
14 answer the question.

15 THE PRESIDENT: You must answer the question.
16 Answer the question.

17 A (Continuing) May I have the question re-
18 peated?

19 THE MONITOR: Japanese court reporter.

20 COLONEL FIXEL: I think I can ask the ques-
21 tion substantially as it was originally.

22 THE PRESIDENT: No, let the Japanese court
23 reporter do it.

24 (Whereupon, the Japanese court
25 reporter read.)

1 A (Continuing) I have discovered that several
2 times he has twisted what I said and has told lies
3 based on that. And I believe he must have fallen into
4 this practice because of his own subjective view
5 that I was an advocate of the Tri-Partite Pact, and
6 that is why I deny the portion of the HARADA Diary
7 which you just read to me.

8 Q I am still asking you what motive he would
9 have had to make a false entry against you. Was he
10 an enemy of yours?

11 A Well, since, in various parts of his diary
12 which I have read, he has spoken ill of me, I can
13 hardly think he entertained friendly feelings towards
14 me.

15 Q How do you think he got this so-called false
16 idea of what you said then?

17 A I could hardly say.

18 Q Do you think that he would get that same idea
19 on two different occasions, on two different days?

20 A Well, I will give you an example. On one
21 occasion I asked Baron HARADA what Prince SAIONJI --
22 what old Prince SAIONJI thought of the Tri-Partite
23 Alliance idea, to which Baron HARADA replied that
24 SAIONJI was not a man who easily voiced his own opin-
25 ion. Later, on reading this so-called diary, I find

1 that I am represented to have asked him what the Lord
2 Keeper of the Privy Seal thought of the idea of the
3 Tri-Partite Alliance. From this I judge that HARADA
4 often wrote down things contrary to actual conversa-
5 tion.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

M
O
r
s
e
&
R
e
i
c
h
e
r
s

1 Q Did you not visit the Navy Minister in the
2 early part of May, 1939, in connection with a possible
3 overthrow of the cabinet due to Navy opposition to
4 the rightists and their German-Italian attitude?

5 A I may have asked such a question. I don't
6 recall the details at this date.

7 Q "Did you visit the Navy Minister in the early
8 part of 1939," is the question I asked.

9 A Maybe.

10 Q And was the visit in connection with the
11 possible overthrow of the cabinet due to Navy opposi-
12 tion to the rightists in their German-Italian attitude?

13 A I have never had such a conversation with the
14 Navy Minister.

15 Q What was the purport of your conversation
16 with the Navy Minister if it didn't have something
17 to do with the Tri-Partite Alliance at that time?

18 A As is written in my affidavit, in early May
19 I received a request from the Vice Minister of War
20 for my services and as I, myself, did not know what was
21 going on in regard to the proposed Tri-Partite Pact
22 I may have visited the Navy Minister on this question,
23 but my recollection is that I visited the Foreign
24 Minister. If I did visit the Navy Minister at all it
25 must have been on this occasion.

1 Q Well, you weren't just acting as a messenger
2 boy on that occasion, were you?

3 A Since I had to reply to the Vice Minister of
4 War, I wanted to ask in what way their thoughts in regard
5 to the Tri-Partite Alliance were changing.

6 Q Now, was not that the main reason why you
7 went over to the Navy Minister, to try to convince him
8 to get the support of the Navy for the Tri-Partite
9 Alliance?

10 A No, that isn't so.

11 Q You state in your affidavit that while you were
12 Overseas Minister in 1940, Ott, the German Ambassador,
13 sought an interview with you and told you that a Japan-
14 German alliance would benefit Japan in the economic
15 development of the Southwest Pacific. What did you say
16 to him in reply to his suggestion?

17 A I didn't say either that I was for it or
18 against it.

19 Q What would have been the reason that Japan
20 required an ally such as Germany if Japan was only
21 seeking fair trade in the international markets in the
22 South Pacific?

23 A I have never advocated the theory that Japan
24 must have Germany as her ally.

25 Q Is it not true that it was intended at that

1 time by Japan that she would get what she needed out
2 of the South Pacific by force if necessary and is that
3 not the reason there was a discussion of an alliance
4 with Germany?

5 A I don't believe that a single important leader
6 in a government position at the time had such thoughts.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Q In this conversation with Ott you say you
2 didn't promise to tie the United States down in the
3 Pacific. Just what did you tell Ott after he gave
4 you his strong sales talk on the advantage to Japan
of an alliance with the German crowd?

5 A As I told you, on that occasion I expressed
6 neither my approval nor disapproval of such proposals.

7 Q You have heard in this court testimony to
8 the effect that after the interview Ott had with you
9 he notified Germany that you asked him what Germany's
10 views would be in case Japan made military advances
11 in the South Pacific. Do you think that he just
12 imagined that you said this?

13 A The report Ott sent to Germany was written in
14 such language as to indicate that I had said what
15 actually he had been telling me.

16 Q And would you say that it stands on the same
17 basis as the two entries in the HARADA diary which
18 were mentioned, concerning your views on the Tri-
19 Partite Pact?
20

21 MR. BROOKS: If the Court please, I object
22 to that. You can see the inconsistency--

23 THE PRESIDENT: Objection upheld. That was
24 really argumentative.

25 Q Did you know that the Foreign Office of Japan

1 at or about the same time you were talking with Ott was
2 announcing its view that the status quo of the Nether-
3 lands Indies would be preserved?

4 A Yes.

5 Q And is it not true that economic demands then
6 being made by Japan on the Netherlands Indies, if
7 accepted by the Netherlands Indies, would have disturbed
8 the status quo in that region of the Pacific and would
9 have seriously interfered with the sovereignty of the
10 Netherlands East Indies?

11 A I had no knowledge of what demands were being
12 made on the Netherlands East Indies during the YONAI
13 Cabinet.

14 Q Did you, as Minister of Foreign Affairs,
15 learn of the decisions of the 12th and 16th of
16 July 1940 of the Army, Navy and Foreign Office author-
17 ities, under which Japan was to dominate the southern
18 areas?

19 A I knew nothing about such things. Indeed,
20 I doubt if they actually occurred.

21 THE PRESIDENT: We will recess for fifteen
22 minutes.
23

24 (Whereupon, at 1445, a recess was
25 taken until 1500, after which the proceed-
ings were resumed as follows:)

D
u
d
a
&
S
p
r
a
t
t

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Captain Kraft.

4 LANGUAGE ARBITER (Captain Kraft): If the
5 Tribunal please, the following corrections are sub-
6 mitted:

7 Reference exhibit No. 3376, paragraph 1,
8 line 1, and record page 32,303, line 15, delete
9 "the future war," and insert "future wars."

10 Exhibit No. 3145-A, Annex No. 1, page 2,
11 lines 4 and 5: The Japanese counterpart for "Draft
12 of Basic Principles . . . negotiations for a
13 military alliance" is in red ink. Line 6: The
14 Japanese counterpart has a red line drawn through
15 "strengthening of Japan-Germany-Italy collaboration."
16 Line 7: Japanese counterpart of "4 September 1940"
17 is in red ink. Line 8: A red line is drawn through
18 the Japanese counterpart of "6 August 1940." Lines
19 9-11: Have the Japanese counterpart in red ink.

20 THE PRESIDENT: Thank you, Captain.

21 Colonel Fixel.

22 COLONEL FIXEL: In the last question asked
23 the witness before recess I inadvertently used the
24 words "Foreign Minister" when it should have been
25 "Overseas Minister." I would like to have the record

corrected.

1 BY COLONEL FIXEL (Continued):

2 Q Were there anti-British demonstrations
3 in Japan in July, 1939?

4 A I don't remember whether it was in July,
5 but there were such demonstrations around that time.

6 Q And is it not a fact that such demonstra-
7 tions were widespread and severe?

8 A I heard that such a demonstration had oc-
9 curred in Tokyo City. I don't know what demonstra-
10 tions occurred in the other parts of the country.

11 Q Did you attend a dinner party given for
12 MATSUOKA, Yosuke, by IKEDA, Seihin, on the 12th of
13 July, 1939, at which General MATSUI and Admiral
14 NOMURA were present?

15 A I don't recall for sure. There may have been
16 such a banquet.

17 Q Do you remember a banquet or a dinner party
18 given at or about that time at which anti-British
19 demonstrations was one of the topics discussed?

20 A No, I don't.

21 Q Do you recall discussing with KIDO in the
22 early part of July, 1939, the anti-British propaganda
23 on billboards and speeches that were made in anti-
24 British demonstrations?
25

1 A I recall that I met Marquis KIDO on my way
2 to a meeting of the Privy Council. As Marquis KIDO
3 was then Home Minister I suggested to him that measures
4 be taken to stop the anti-British demonstration which
5 had taken place in the city and to pave the way for
6 peaceful negotiations to proceed smoothly.

7 Q And at that time the accused KIDO was Home
8 Minister, was he not?

9 A Yes.

10 Q And he was the head of the Kenpei?

11 A No.

12 Q Who was the head of the Kenpei at that time?

13 A I don't remember.

14 Q Is it not a fact that the Kenpei was leading
15 these anti-British demonstrations?

16 A No, I think that such a thing could never
17 have occurred.

18 Q Is it not a fact that the army was financing
19 these demonstrations to your knowledge?

20 A I don't know, but such a thing is utterly
21 impossible.

22 Q When you were Overseas Minister in the
23 HIRANUMA Cabinet did you not send the Kenpei to China
24 and to Manchuria disguised as laborers?
25

A I have no recollection of ever having done

1 such a thing because the Overseas Minister is not in
2 a position to do such a thing. His duties do not
3 cover that class of work.

4 Q When you became Premier you expressed your
5 views to a committee of the Diet on what you believed
6 was the destiny of Japan, did you not?

7 A I have no recollection of having made a
8 speech on the destiny of Japan.

9 Q I would like to correct the date of that
10 speech to the time when you were Overseas Minister,
11 and the date is the 17th of February, 1940.

12 A It is not in my recollection.

13 Q Do you recall that in the course of the
14 speech you gave to the Budget Committee of the Diet
15 on 17 February 1940 that you said that Japan had a
16 destiny to advance in all directions: north, south,
17 east, and west? Does that recall it to you?

18 A I recall now.
19
20
21
22
23
24
25

1 Q And did you not also have the view as expressed
2 in that speech that the religious beliefs of the
3 Buddhists, Confucianists and Christians in China would
4 have to conform to the spirit and culture of Japan?

5 A I should like to reply first of all to your
6 first question. May I do so?

7 Q You may, with the permission of the Court.

8 I thought the witness had replied to the first
9 question.

10 THE PRESIDENT: At all events, he did in part.

11 A Among our fellow Japanese, there were many
12 who advocated advance to the north, advance to the
13 south, and advance in various directions, and questions
14 based on these views were often voiced in the Diet.
15 And, therefore, I am sure that if you look at the
16 transcript of the proceedings of the Diet you will find
17 that I replied to the effect that Japan could advance
18 in any direction: north, south, east or west, which-
19 ever direction in which she could advance peacefully.

20 Q And did you not say that, and urge that the
21 spirit and culture represented by Imperial Japan should
22 be spread throughout the world?

23 A I have always held the view that the tradi-
24 tional cultural tendency of Japan since the days of
25 the founding of the empire embraced all ideologies and

1 was of such a quality as to be able to merge with all
2 such ideologies and, therefore, I am of the belief that
3 I made my replies based on such views.

4 Q How did you expect to convert to the spirit
5 and culture of Japan those who were unwilling to be
6 converted?

7 A I am sorry to have to speak in parables, but
8 if we advanced with an all-embracing capacity such as
9 that of a mirror, I can hardly think that any opposi-
10 tion such as that of which you have just spoken could
11 arise.

12 Q But if there was opposition, isn't it true
13 that you would overcome the opposition by force?

14 A The main purpose of force is defense, and if
15 force is used in order to quell any opposition, I think
16 that is a proof that any such person using such force
17 is without culture.

18 COLONEL FIXEL: Prosecution offers for iden-
19 tification IPS document 3030-N, an excerpt from
20 exhibit 3201 which has previously been marked for
21 identification.
22

23 MR. BROOKS: I object to it, your Honor, as
24 being improper offering of evidence at this time under
25 the circumstances. It has not been shown to the wit-
ness, and I do not know what it is. I do not have the

same before me.

1 I am sorry, I misunderstood him. I thought
2 he was offering it in evidence. He says it is only
3 for identification.
4

5 THE PRESIDENT: We had the same view as you,
6 Captain Brooks. But apparently it is all for identifi-
7 cation.

8 **Excerpts are never tendered for identification.**

9 Q May the witness be shown excerpt from -- will
10 you examine that document, Witness, and state whether
11 it is a speech you gave before the Budget Committee
12 of the Diet on 17th of February, 1940?

13 A This is the reply made by myself in a Diet
14 session.

15 COLONEL FIXEL: I offer the excerpt as an
16 exhibit.

17 MR. BROOKS: I object to the introduction of
18 this document at this time, your Honor, unless the
19 prosecution shows why this speech was not offered on
20 the general phase of this case against this man, when
21 we would have had the time to have investigated the
22 surrounding circumstances. At this late date I say
23 it is too late. I wish the Court would consider that
24 in this matter new evidence is being introduced against
25 this man when at this late phase of the case we do not

1 have the time and the facilities to properly investigate
2 and have translated and put forth a defense to things
3 that are brought in now after our case has been prepared.

4 THE PRESIDENT: Captain Brooks, do you realize
5 that this question has been repeatedly raised by you
6 and repeatedly decided against you, and that you are
7 persisting?

8 MR. BROOKS: I ask the Court to reconsider
9 this because of the technical aspects of presenting
10 the defense in this case, which would have to be made
11 by written documents served on the prosecution in
12 advance.

13 THE PRESIDENT: All I know is that this matter
14 has been decided--

15 MR. BROOKS: May I finish, your Honor?

16 THE PRESIDENT: --repeatedly against you,
17 and that every British Judge in this court takes the
18 view that that evidence could be properly admitted in
19 his court. As I am reminded, some of the non-British,
20 too.

21 MR. BROOKS: I wish to state that in this
22 case the circumstances of this trial before this Tribu-
23 nal are peculiar and different than in the normal case
24 before a British court; and I think that the Court should
25 have had made apparent to it by this time the handicap

W
o
l
f
&
L
e
f
f
e
r

1 and injustice of having to face new evidence at this
2 late date under the technical rules for the production
3 of evidence on behalf of the defense that we must
4 follow.

5 THE PRESIDENT: If it is a handicap, it is
6 a handicap for the defense in all British courts and
7 has been from time immemorial. It is not a handicap.

8 MR. BROOKS: Many rules of national courts
9 are amended from time to time, and I think that has
10 no bearing on the case before this Tribunal, because
11 our rules of procedures and technicalities applied
12 here are not found in the national courts of every
13 nation.

14 THE PRESIDENT: Not one of my Colleagues
15 support you. The objection is overruled.

16 COLONEL FIXEL: May this document have an
17 exhibit number, if the Court please?

18 THE PRESIDENT: It is admitted on the usual
19 terms.

20
21 CLERK OF THE COURT: Prosecution document No.
22 3030-N, being an excerpt from exhibit No. 3201 for
23 identification only, will receive exhibit No. 3382.

24 (Whereupon, the document above
25 referred to was marked prosecution exhibit
No. 3382 and received in evidence.)

1 COLONEL FIXEL: The prosecution desires to
2 read only the first two paragraphs of this document:

3 "Meeting of the Budget Committee on 17 Feb
4 40 in the House of Representatives, 75th Session of
5 the Imperial Diet.

6 "Minister of State KOISO:

7 "Just now, we heard Mr. SHINOHARA's speech
8 which was very rich in content and invaluable. In
9 his conclusion, he presented two questions. I think
10 that the first, the problem as to whether we should
11 advance northward or southward, is of considerable
12 importance. To what I am now going to say, you might
13 say that it is somewhat a departure from reality or
14 tell me not to speak so fanatically. However, I can-
15 not positively say that I will not make this depart-
16 ure. Therefore, I think that I should like to make
17 my speech brief.

18
19 "As the original recognized national policy
20 of Japan, we have been firmly handed down from gener-
21 ation to generation, what is called HAKKOICHIU,
22 TENGYO-KAIKO (TN: An interpretation of this is:
23 the resumption of the mission handed down to the
24 Emperors by the Goddess AMATERA) or RIKIGO KENTO
25 (TN: An interpretation of this is: making the uni-
verse the Emperor's capitol.) Although this is

1 expressed in various words, it means, after all, world
2 wide expansion with the truly magnificent spirit and
3 culture of Japan which we firmly believe. Emperor
4 MEIJI said in the first year of his succession, 'I
5 will govern this country myself, give all you subjects
6 freedom from care and finally cross the seas and spread
7 our national glory throughout the four corners of the
8 world.' I believe that this great sentence expressed
9 in such a manner did, after all, place its underlying
10 note on this belief. In explaining what this means,
11 it means that in our recognized national policy,
12 advancement in any one direction was not considered
13 in our advance to the north, south, east, or west.
14 In other words, Japan's destiny is advancement in all
15 four directions. However, the question as to which
16 direction should be emphasized in the successive
17 generations is, I think, the problem in this gener-
18 ation. If that is the case, what is best in this
19 present generation is as stated in Mr. SHINOHARA's
20 speech. I might be somewhat dogmatic, but the Japa-
21 nese race is surely a divine race. However, I think
22 that there is a mixture of Eskimo, Ainu, Indonesians
23 and the Miao of China. I think that the present
24 YAMATO (Japanese) race, which controlled and unified
25 these many races, has the quality to advance in any

1 direction and to grasp and assimilate any culture
2 whether this fact is known or not. As to the larger
3 portion of the lineage of the YAMATO race, if we say
4 that it is undoubtedly a divine race, or that it is
5 the TAKAMAGAHARA race, it is within the province of
6 scholars to say that it can endure the hot zone or
7 the cold zone. Therefore, I think that we should
8 hesitate to make a positive statement. I am one
9 person who agrees entirely with Mr. SHINOHARA on that
10 point. Fortunately, however, I believe that we must
11 consider that because we possess Indonesian blood,
12 we also have the capacity to progress towards the
13 south. Therefore, I believe that at present, it is
14 indeed a natural tendency for us to proceed towards
15 the north and the continent because of the main
16 feature of our racial composition. However, a nation
17 cannot stand without defense, just as administration
18 cannot stand without economy. It has clearly been
19 proven by ancient history of civilization that if
20 we are to quickly and readily obtain economic rights
21 and interests, it would be more convenient to do so
22 by sea transportation rather than by overland routes.
23 Therefore, I again believe that, just as Mr. SHINOHARA
24 stated, we must proceed bravely towards economic
25 development in the south where resources are thought

1 direction and to grasp and assimilate any culture
2 whether this fact is known or not. As to the larger
3 portion of the lineage of the YAMATO race, if we say
4 that it is undoubtedly a divine race, or that it is
5 the TAKAMAGAHARA race, it is within the province of
6 scholars to say that it can endure the hot zone or
7 the cold zone. Therefore, I think that we should
8 hesitate to make a positive statement. I am one
9 person who agrees entirely with Mr. SHINOHARA on that
10 point. Fortunately, however, I believe that we must
11 consider that because we possess Indonesian blood,
12 we also have the capacity to progress towards the
13 south. Therefore, I believe that at present, it is
14 indeed a natural tendency for us to proceed towards
15 the north and the continent because of the main
16 feature of our racial composition. However, a nation
17 cannot stand without defense, just as administration
18 cannot stand without economy. It has clearly been
19 proven by ancient history of civilization that if
20 we are to quickly and readily obtain economic rights
21 and interests, it would be more convenient to do so
22 by sea transportation rather than by overland routes.
23 Therefore, I again believe that, just as Mr. SHINOHARA
24 stated, we must proceed bravely towards economic
25 development in the south where resources are thought

1 to be in abundance. Therefore, at the present, we
2 should follow the increased tendency of the race to-
3 wards the continent and the north with more than
4 ample economic development and at the same time we
5 shall extend our economic rights and interests to-
6 wards the south with all our might. In this, I think
7 that the necessary movement of the race is absolutely
8 indispensable. In short, I believe that after all,
9 since we should not emphasize any one direction in
10 our northward or southward advancement, we should
11 advance as indicated in Mr. SHINOHARA's talk."
12 BY COLONEL FIXEL (Continued):

13 Q Now, Mr. Witness, at the time you made this
14 speech, is it not a fact that there were economic
15 negotiations pending with the Netherlands East Indies?

16 A I was in the Overseas Ministry, but I never
17 heard of any such problem.

18 Q Those sorts of things were kept in the dark
19 from the cabinet, is that correct?

20 Do you mean to tell this Tribunal that you
21 didn't know that Japan was making strenuous efforts
22 at this very time to secure further supplies of oil,
23 tin, wolfram, copper, and other articles through
24 negotiations with the Netherlands East Indies?

25 A Well, maybe negotiators had been dispatched

1 from the Foreign Ministry to the Netherlands East
2 Indies and maybe such negotiations were going on,
3 but, as a matter of fact, I knew very little about
4 them.

5 Q Well, you found out about them shortly
6 afterwards, didn't you?

7 A I don't recall.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Q Isn't it a fact that you yourself were
2 tentatively selected as an envoy to conduct the
3 final negotiations which were considered to be
4 the ultimatums given to the Netherlands East
5 Indies in the month of August, 1940, just a few
6 months after the speech you made?

7 A I knew about that.

8 Q And isn't it true that you said that you
9 would go provided you were sent on a battleship, and
10 in case of emergency you would have the right to fire
11 and destroy them?

12 A That is an utterly fantastic story. To
13 begin with, the battleship -- the question of a
14 battleship firing is something that belongs to the
15 prerogative of the Supreme Command. How could I,
16 on my own authority, not being in the Navy nor even
17 in active service, order a battleship to fire? The
18 State laws absolutely prohibit any such action and
19 you can see, even from that, that the story about
20 firing is an utterly groundless rumor.

21 THE PRESIDENT: We have heard enough. We
22 do not want to hear any more about that.

23 Q Was not the real intention of Japan in
24 engaging in the war against the United States her
25 desire to expel Anglo-American influence from China

and the Asiatic-Pacific regions and to reconstruct
1 a Greater East Asia?

2 A To begin with, since I was of the opinion
3 that Japan should not fight against America and
4 Britain, I have no recollection of ever having
5 voiced such opinions as you have just told me.
6

7 COLONEL FIXEL: In connection with that
8 answer, I refer the Tribunal to exhibit 277, record
9 page 3704.

10 Q Did you act as a member of the Committee
11 for the Establishment of Greater East Asia in April,
12 1942?

13 A I was one of the members.

14 Q Was it not Japan's intention to close the
15 door of the Asiatic countries to others except on
16 her own terms?

17 A No, I have never heard of that.

18 Q In connection with the speech you made
19 before the 85th session of the Diet on 7 September
20 1944, in which you promised future independence to
21 the Netherlands East Indies, were you familiar with
22 the announcement of the Chief of Staff of the Osamu
23 Army Corps, made in the same month you made the
24 promise of East Indies independence, that there should
25 be no great alterations in the operation and business

1 structure of the military government? Do you recall
2 that?

3 A No, I did not.

4 Q As Prime Minister, did you know of the
5 decision of the Supreme War Leadership Council on
6 the 1st of February 1945, to place all military
7 and armed police forces of French Indo-China under
8 the joint command of the Japanese Army, subject,
9 however, to the orders of the Japanese Army on
10 matters of organization, allotment and movement?

11 A I know of the matters decided on on February
12 1, 1945. The main purpose of this decision was to
13 place the armed forces and the armed police in French
14 Indo-China under the command of the Japanese forces.
15 And I recall that there also was a plan to place
16 communications and transportation under Japanese
17 control, but that was an auxiliary decision.

18 Q That's right. And were you familiar with
19 the six-hour ultimatum given by the Japanese to the
20 Governor General of Indo-China to bring about the
21 surrender of all of those agencies that have been
22 mentioned, such as communications and the military
23 forces?
24

25 A I remember having received such a report
through the Minister for Greater Asia.

1 Q Did you have any authority in this matter
2 to take any action to stop such high-handed procedure?

3 A I don't think the order included any such
4 wording as "to take high-handed measures." I believe
5 that the order contained words to the effect that
6 the understanding of the Governor General of French
7 Indo-China should be obtained.

8 Q Did you think six hours would be a reasonable
9 time within which the Governor General could determine
10 whether he was to capitulate or to seek his own
11 protection against the Japanese who had been permitted
12 to come in as friends?

13 A Since that depended entirely on circumstances
14 in that area, the decision of the Supreme War Guidance
15 Council did not set a specific time limit of six hours.

16 Q Is it a fact that in the winter of 1944,
17 when you were Premier, the Japanese Army thrust into
18 the interior provinces of Kwangsi and Kweichow, within
19 immediate reach of China's wartime capital, Chungking?

20 A Are you referring to Kweilin and Liuchow?

21 Q I am referring to Kwangsi and Kweichow.

22 A I don't know.

23 Q An examination of your affidavit discloses
24 that you claim you opposed the March, 1931 Incident;
25 you tried to prevent the Manchurian Incident; you

1 opposed the China Adventure; you opposed the
2 Tripartite Pact; you opposed going into a war
3 against the United States; and you tried to settle
4 the China war when you became Premier, and in all
5 of these important matters you were frustrated and
6 prevented from having your ideas and desires prevail.
7 If you disagreed with and were opposed to these
8 events and policies, why did you accept one important
9 position in the Government after another whereby
10 you became one of the protagonists of the very
11 matters you now say you so strenuously objected to?

12 A The way of we Japanese is that no matter
13 what our own personal opinions and our own personal
14 arguments may be, once a policy of State has been
15 decided upon, it is our duty to bend all our efforts
16 for the prosecution of such policy. This has been
17 the traditional custom in our country.

18 COLONEL FIXEL: That completes the
19 prosecution's cross-examination.

20 THE PRESIDENT: We will adjourn until
21 half-past nine tomorrow morning.

22 (Whereupon, at 1600, an adjournment
23 was taken until Wednesday, 5 November 1947 at
24 0930.)
25